

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA**

**SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE**

**ORDINANCE NO. 401
AUGUST 11, 2010**

**AS AMENDED BY ORDINANCE NO. 410
FEBRUARY 13, 2013**

**AS AMENDED BY ORDINANCE NO. 428
AUGUST 9, 2017**

Prepared for:

**Borough of Orwigsburg
P.O. Box 128, 209 North Warren Street
Orwigsburg, Pennsylvania 17961**

By:

**Hanover Engineering Associates, Inc.
20-C Snyder Lane
Ephrata, Pennsylvania 17522**

TABLE OF CONTENTS

		PAGE
ARTICLE I	AUTHORITY, PURPOSE, TITLE AND JURISDICTION	
Section 101	Authority and Adoption	2
Section 102	Purpose	2
Section 103	Authority	2
Section 104	Short Title	2
Section 105	Application of Regulations	3
Section 106	Interpretation	3
Section 107	Zoning Applicability	3
Section 108	Pending Applications	3
Section 109	Previously Approved Plans	4
Section 110	Existing Improvements	4
Section 111	Conflict with Public and Private Provisions	4
Section 112	Saving Provision	5
 ARTICLE II	 DEFINITION OF TERMS	
Section 201	Rules of Interpretation	6
Section 202	Terms Defined	7
 ARTICLE III	 GENERAL PROCEDURES AND PROCESSING REQUIREMENTS	
Section 301	Prior to Submission	27
Section 302	Sketch Plans	27
Section 303	Preparation and Submission of Plans	27
Section 304	Minor Subdivision or Land Development Plans	35
Section 305	Lot Annexation Plans	35
Section 306	Natural Subdivisions	35
Section 307	Lot Consolidation Plans	36
Section 308	Revised Subdivision and/or Land Development Plans	36
Section 309	Recording Plans and Deeds	35
Section 310	State Highway Access	37
Section 311	Fees	38
Section 312	Disputes over Fees	38
Section 313	Mediation Option	38
 ARTICLE IV	 OPTIONAL SKETCH PLAN SUBMISSION	
Section 401	Sketch Plan (Option to Developer)	40
Section 402	Required Information	40

TABLE OF CONTENTS (CONTINUED)

	PAGE
ARTICLE V	PRELIMINARY PLAN REQUIREMENTS
Section 501	Preliminary Plan Requirements 42
Section 502	Supporting Documentation 47
Section 503	Construction from Preliminary Plan 49
Section 504	Review Procedure 50
ARTICLE VI	FINAL PLAN REQUIREMENTS
Section 601	Final Plan Requirements 51
Section 602	Supporting Documentation - Final Plans 57
Section 603	As Condition of Recording a Final Plan 60
Section 604	Requirements for Lot Annexation Plans, Natural Subdivisions, Lot Consolidation Plans and Revised Subdivision and/or Land Development Plans 61
Section 605	Supporting Documentation - Lot Annexation Plans, Natural Subdivisions, Lot Consolidation Plans and Revised Subdivision and/or Land Development Plans 65
Section 606	Review Procedure 66
ARTICLE VII	DESIGN AND CONSTRUCTION STANDARDS
Section 701	Application 67
Section 702	General Standards 67
Section 703	Streets 67
Section 704	Blocks and Lots 75
Section 705	Recreation Areas and Fees 77
Section 706	Monuments and Markers 79
Section 707	Parking Areas 80
Section 708	Driveways 81
Section 709	Sidewalks 85
Section 710	Curbing 86
Section 711	Street Lights and Illumination 86
Section 712	Sewers and Water 86
Section 713	Stormwater Drainage 88
Section 714	Flood Plain Area Regulations 89
Section 715	Utility Easements and Utility Line Installation 89
Section 716	Signs, Storage Areas and Structure Orientation 90
Section 717	Traffic Impact Studies 91
Section 718	Environmental Impact Assessment Report 94

TABLE OF CONTENTS (CONTINUED)

	PAGE
ARTICLE VIII	MOBILEHOME PARK REGULATIONS
Section 801	General 101
Section 802	Zoning Compliance 101
Section 803	Permits 101
Section 804	Fees 102
Section 805	Application for Approval of Mobilehome Parks 103
Section 806	Design Standards and Required Improvements 103
Section 807	Water Supply and Distribution System 105
Section 808	Sewage Collection and Disposal 106
Section 809	Solid Waste Disposal System 106
Section 810	Electrical Distribution System 107
Section 811	Gas Distribution System 108
Section 812	Fuel Oil Distribution System 108
Section 813	Fuel Supply and Storage 108
Section 814	Telephone and Television 109
Section 815	Service Building and Other Community Facilities 109
Section 816	Fire Protection 110
Section 817	Insect and Rodent Control 111
Section 818	Management and Supervision 111
Section 819	Revocation of Permit 112
ARTICLE IX	EROSION AND SEDIMENT POLLUTION CONTROL
Section 901	Purpose 113
Section 902	Scope 113
Section 903	Plan Contents 113
Section 904	Administration 113
Section 905	Fees 114
Section 906	Enforcement 114
Section 907	Violations 114
Section 908	Penalties and Enforcement Remedies 114
ARTICLE X	GRADING REQUIREMENTS
Section 1001	Grading 115
Section 1002	Excavation and Fills 116
Section 1003	Grading Plans 116

TABLE OF CONTENTS (CONTINUED)

PAGE

ARTICLE XI LANDSCAPING REQUIREMENTS

Section 1101 Purpose	117
Section 1102 Scope	117
Section 1103 Landscape Requirements	118
Section 1104 Recommended Plant Materials	123

ARTICLE XII IMPROVEMENT AND CONSTRUCTION ASSURANCES

Section 1201 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval	125
Section 1202 Inspection During Construction	128
Section 1203 As-Built Plan	131
Section 1204 Release from Improvement Bond	132
Section 1205 Remedies to Effect Completion of Improvements	133
Section 1206 Fees for Inspection of Improvements	133
Section 1207 Disputes over Fees	133
Section 1208 Dedication	134
Section 1209 Development Agreement	134

ARTICLE XIII MODIFICATION OF REQUIREMENTS

Section 1301 Special Conditions	135
Section 1302 Applications for Modification	135
Section 1303 Modification Action by Borough Council	135

ARTICLE XIV ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS AND ENACTMENT

Section 1401 Administration and Enforcement	136
Section 1402 Amendments	137
Section 1403 Penalties	138
Section 1404 Right to Appeal	139
Section 1405 Mediation Option	139
Section 1406 Records	139
Section 1407 Severability	139
Section 1408 Repeals and Continuation of Prior Regulations	140
Section 1409 Effective Date	140
Section 1410 Enactment	140

APPENDICES

APPENDICES

- 1 Certificate of Accuracy (Plan)
- 2 Certification of Accuracy (Survey)
- 3 Storm Water Management Certification
- 4 Certificate of Ownership, Acknowledgment of Plan Offer and Dedication
- 5 Orwigsburg Borough Preliminary Plan Approval Certificate
- 6 Orwigsburg Borough Final Plan Approval
- 7 Orwigsburg Borough Approval Certificate for a Lot Annexation Plan, Lot Consolidation Plan, Natural Subdivision Plan, Revised Subdivision and/or Land Development Plan
- 8 Orwigsburg Borough Planning and Zoning Commission Review Certificate
- 9 Application for Consideration of a Pre-Application Review (Sketch Plan)
- 10 Application for Consideration of a Subdivision and/or Land Development Plan
- 11 Application for Consideration of a Modification
- 12 Request for Review of a Subdivision of Land Development Plan by the Schuylkill County Planning and Zoning Commission
- 13 Notice of Acceptance of an Improvement Guarantee
- 14 Required Improvements Listing (form)
- 15 Notice of Completion and Approval of Improvements
- 16 Lot Annexation Plan Notation
- 17 Land Development Agreement
- 18 Letter of Credit
- 19 Determination of Sight Distances
- 20 Standard Construction Details

BOROUGH OF ORWIGSBURG

SCHUYLKILL COUNTY, PENNSYLVANIA

**ORDINANCE NO. 401 OF 2010
AS AMENDED BY ORDINANCE NO. 410 OF 2013
AS AMENDED BY ORDINANCE NO. 428 OF 2017**

AN ORDINANCE, AMENDING THE ORWIGSBURG BOROUGH SUBDIVISION CONTROL ORDINANCE ORIGINALLY ENACTED ON SEPTEMBER 20, 1967, REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND INCLUDING MOBILE HOME PARKS WITHIN THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA; PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLANS FOR SUCH PURPOSE; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER AND DEVELOPER; REGULATING SALES OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS AND LAND DEVELOPMENTS; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of this Borough that The Orwigsburg Borough Subdivision Control Ordinance originally enacted on September 20, 1967, as amended, is further amended by adding and supplementing thereto the following revised Ordinance, all pursuant to the Pennsylvania Municipalities Planning Code of 1968, as amended, (Act 247 of 1968, P.L. 805, as amended):

ARTICLE I
AUTHORITY, PURPOSE, TITLE AND JURISDICTION

Section 101. Authority and Adoption

The Borough of Orwigsburg Planning and Zoning Commission and Borough Council are vested by law with the control of subdivision and land development within the Borough limits by virtue of the Pennsylvania Municipalities Planning Code (MPC).

The following regulations have been adopted by ordinance duly enacted by the Borough Council of the Borough of Orwigsburg, and shall remain in effect until modified, amended or rescinded by the Borough Council.

Section 102. Purpose

This Ordinance has been adopted by the Orwigsburg Borough Council for the following purposes:

- A. To assist orderly, efficient and integrated development of land.
- B. To insure coordination and conformance of subdivision and land development plans with the public improvement plans of the Borough.
- C. To provide for the proper extension of community services and facilities at minimum cost and maximum convenience.
- D. To ensure equitable handling of all subdivision and land development plans by providing uniform standards and procedures.
- E. To promote in general the health, safety and welfare of the residents of the Borough.

Section 103. Authority

The Planning and Zoning Commission is hereby designated by Borough Council as the agency which shall review and make recommendations on all Preliminary and Final Plans as required herein. Council shall have authority to act on all Preliminary and Final Plans as required herein for the Borough of Orwigsburg.

Section 104. Short Title

These regulations shall be known and may be cited as the "Orwigsburg Borough Subdivision and Land Development Ordinance".

Section 105. Application of Regulations

- A. No subdivision or land development of any lot, tract, or parcel of land located in Orwigsburg Borough shall be effected; no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon unless and until a final subdivision or land development plan has been approved by the Borough Council and publicly recorded in the manner prescribed herein; nor otherwise - except in strict accordance with the provisions of this Ordinance.
- B. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plan or land development plan has been approved by the Borough Council and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

Section 106. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare, and shall be construed to achieve the purposes for which this Ordinance was adopted. Where provisions of a statute, other ordinance, resolution, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, resolution, ordinance, or regulation shall be controlling.

Section 107. Zoning Applicability

Nothing contained in this Ordinance shall relieve the owner or developer from complying with the applicable provisions of the Orwigsburg Borough Zoning Ordinance. It is the expressed intent that the Orwigsburg Borough Subdivision and Land Development Ordinance and Zoning Ordinance be reinforceable and together foster the stated planning goals and objectives of the Borough.

Section 108. Pending Applications

Per Article 5, as revised, of the MPC, the provisions of this Ordinance shall not affect an application for approval of a subdivision and/or land development plan which is pending action at the time of the effective date of this Ordinance, in which case the Applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time when the application for such plan was duly filed. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of the Orwigsburg Borough Subdivision and Land Development Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.

Section 109. Previously Approved Plans

If an Applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the Applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of such approval, nor shall any provision of this Ordinance be construed to waive the obligations imposed upon an Applicant to complete a previously approved Preliminary or Final Plan, including the installation of all improvements, in strict compliance with the requirements of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) years shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances as they stood at the time when the application for such approval was duly filed.

Section 110. Existing Improvements

If existing improvements, including storm water management facilities, on the subject tract do not meet the requirements of this Ordinance, then such improvements must be designed and upgraded to meet the requirements of this Ordinance in conjunction with an Application for Development.

Section 111. Conflict with Public and Private Provisions

A. Public Provisions.

This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this Ordinance. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule or regulation, statute, or other provision of law, the

provision that is more restrictive or imposes higher standards shall control.

B. Private Provisions.

This Ordinance is not intended to abrogate any easement, covenant, or other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern.

Section 112. Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision or land development regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Borough under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the Borough, except as shall be expressly provided for in this Ordinance.

ARTICLE II DEFINITION OF TERMS

Section 201. Rules of Interpretation

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The word "lot" includes the words "plot" and "parcel".
- H. The word "watercourse" includes channels, creek, ditch, dry run, spring, stream and river. (Amended August 9, 2017)
- I. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.

Section 202. Terms Defined

Other terms or words used herein shall be interpreted or defined as follows:

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

Alley (or service drive): A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

Annexation: To append or unite a lot, tract or parcel to an adjacent lot, tract or parcel, thus creating and resulting in one lot comprised from two or more adjacent lots. Annexation in this context shall be deemed to mean the increase in area or size of an existing lot, tract or parcel and shall not be construed to mean the creation of a new building lot for development purposes.

Applicant: A Landowner or Developer, as hereinafter defined, who has filed an application for subdivision or land development, including his heirs, personal representatives, successors and assigns.

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision, plat or plan or for the approval of a land development plan.

Appointing Authority: Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania.

Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No.164), known as the "Municipality Authorities Act of 1945".

Berm: That portion of a street lying on either side of the cartway where the soil is stabilized as a protection for the edge of pavement or other road surfacing; or a mound of earth which serves purposes such as directing the flow of surface water runoff, preventing soil erosion or supporting plant materials to aid in screening.

Best Management Practice (BMP): Structural devices or other methods that temporarily store or treat storm water runoff to reduce flooding, remove pollutants, and provide other environmental amenities.

Block: An area bounded by streets.

Borough: The Borough of Orwigsburg, Schuylkill County, Pennsylvania, its Borough Council, its agents or authorized representatives.

Borough Council: Borough Council of the Borough of Orwigsburg.

Buffer Strip: A strip of land at least ten (10) feet in width, in addition to the minimum setback distance, free of any principal or accessory building or required improvement other than screening.

Building: Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property.

Building, Accessory: A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. An accessory building may not house a principal use, nor may it stand alone on a lot as a principal building.

Building, Principal: A building in which the principal use of the lot is conducted.

Building Setback Line (setback): The line within a property (usually parallel to the right-of-way or lot line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or lot line, whichever is further from the street.

Capped Sewers: Sanitary sewerage facilities which are installed and capped where existing sanitary sewerage facilities are not accessible and available, but are proposed in the Official Sewage Facilities Plan of the Borough. Such facilities shall include sanitary sewers, force mains, pumping stations, and all other appurtenances necessary to serve the entire subdivision and/or land development.

Cartway or Roadway: That portion of a street or alley which is improved or intended for vehicular use, excluding the shoulders.

Center Line of Street or Road: A line midway between and parallel to the two street or road property lines, or as otherwise defined by the Borough Council.

Centralized Sewage System: A public or private utility system designed to collect, centrally treat, and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Borough, whichever may be more stringent.

Centralized Water System: A public or private utility system designed to transmit potable water from a common source to customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Borough, whichever may be more stringent.

Certification: A signed statement appended to a plan or other document whereby the signer represents that to the best of their knowledge and belief said plan or document is true and correct and that the Borough may rely upon the accuracy thereof.

Channel: A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.

Clear Sight Triangle: An area of unobstructed vision at street intersections. ~~It is defined~~ by lines of sight between points at a given distance from the intersection of the street center lines.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan: The Comprehensive Plan adopted by Borough Council pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Borough, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Conditional Use: A procedure whereby uses are allowed or denied by the governing body pursuant to public notice and hearing and recommendations by the planning agency and pursuant to express standards and criteria.

Conservation: The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Construction: The building, reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing and fastening of construction materials in a permanent position. Earth moving activities shall not be deemed construction.

County: The County of Schuylkill, Commonwealth of Pennsylvania.

County Planning and Zoning Commission: The Schuylkill County Planning and Zoning Commission and its professional staff.

Cross-Walk: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

Cul-de-sac: A street with access closed at one end and with a vehicular turn-around at the closed end.

Culvert: A pipe, conduit or similar structure including appurtenant works which carries surface water.

Curb: The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic; all curbs shall be constructed in accordance with the specifications in this Ordinance or any other Ordinance enacted by the Borough Council setting requirements for the construction of roads, curbs and sidewalks.

Cut: An excavation; the difference between a point on the original ground and designated point of lower elevation on the final grade; also, the material removed in excavation.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

Dedication: The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department of Environmental Protection (DEP): The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Department of Transportation (Penn DOT): The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

Detention Basin: A reservoir, formed from soil or other material, designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate into a watercourse or stormwater drainage system. This basin is designed to drain completely after a storm event.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The governing body;
- B. The Zoning Hearing Board; or
- C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations.

Development Plan: The provisions for development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Drainage: The flow of water or liquid waste and the methods of directing such flow.

Drainage Facility: Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway: A private drive providing access between a public or private street and a permitted use or structure.

Drywell: A covered pit with open jointed lining through which water from roofs, basement floors or areaways may seep or leach into the surrounding soil.

Dwelling: Any building or structure designed for living quarters for one or more families or housekeeping units, including mobile homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, boarding homes, rooming houses, convalescent homes, motels, hotels or other accommodations used for transient occupancy.

Dwelling Unit: One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

Earth Disturbance: An activity including but not limited to construction, mining, farming and timber harvesting which alters, disturbs, or exposes the existing land surface.

Easement: The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose; and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the easement.

Encroachment: Any physical action which may jeopardize the health and longevity of a natural feature, or any structure or activity which in any manner changes the course, current or cross-section of any wetland, water course, or body of water.

Engineer, Borough: The Borough Engineer or any consultant designated by Borough Council to review a subdivision or land development plan and perform the duties of engineer in behalf of the Borough.

Engineer, Professional: A person duly licensed as a professional engineer by the State of Pennsylvania.

Engineering Specifications: The Engineering Specifications of the Borough regulating the installation of any required improvement or for any facility installed by any other, subject to public use.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other agencies or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare.

Erosion: The natural process by which the surface of the land is worn away by water, wind or chemical actions.

Erosion and Sediment Pollution Control Plan: A plan which is designed to minimize accelerated erosion and prevent sediment pollution to the waters of the Commonwealth.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences shall include "electric" and "barbed/razor wire fences" but not "invisible" fences.

Fill:

- A. Any act by which earth, sand, gravel or rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the stripped surface and shall include the conditions resulting therefrom;
- B. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade;
- C. The material used to make a fill.

Financial Security: A letter of credit or other form of guarantee in accordance with the requirements of Article V of the Municipalities Planning Code posted by a developer to secure the completion of improvements indicated on an approved plan.

Flood, Flooded, or Flooding: A temporary inundation by water of normally dry land areas.

Flood Fringe: That portion of the flood plain outside the floodway.

Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplain: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100-year flood.

Flood-Prone Area: see "Floodplain.

Floodproof, Floodproofed, Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water or sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one (1) foot at any point.

Frontage: The minimum distance between side property lines measured at the street right-of-way.

Future Right-of-Way: (1) Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Governing Body: Borough Council of Orwigsburg Borough, Schuylkill County, Pennsylvania.

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Ground Water: Subsurface water in a zone of saturation.

Groundwater Recharge: Replenishment of existing natural underground water supplies.

Grubbing: The clearing of land by digging up roots and stumps.

Guarantee, Completion: The financial security that may be accepted by the Borough as a guarantee that improvements required as part of an application for subdivision and/or land development are completed to the satisfaction of the Borough. Such financial security shall include, but is not limited to, performance bonds, Federal or Commonwealth chartered lending institution irrevocable letters of credit, and restrictive or escrow accounts in such lending institutions.

Guarantee, Maintenance: The financial security that may be accepted by the Borough as a guarantee that improvements required as part of an application for subdivision and/or land development will be in first class condition, state of repair and working order for a specific period of time. Such financial security shall be similar to that accepted for a completion guarantee.

Hardship: A condition, not economic in nature, not caused by the applicant or developer for whom he may request a waiver.

Historic Resource: A building, site, object or district that is determined to be of local, county, state or national significance.

Homeowners Association: An incorporated non-profit organization operating under recorded land agreements through which (a) each lot and/or home owner in a cluster development or other described land area is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Impervious Area: Any portion of a lot covered by impervious surfaces.

Impervious Cover: Any natural or man-made material utilized to cover, pave or re-surface any portion or area of a lot whether permeable or impermeable excepting only soil, plants or vegetative coverings. Impervious cover shall include, among other materials, any form or mixture of concrete, stone, asphalt, tar, porous pavement, or other substance designed and intended to alter the natural state of the land.

Impervious Surface: Any surface that has been compacted or covered over with a building, structure or layer of material so that it is highly resistant to infiltration by water. It

includes surfaces such as compacted sand, limerock, or clay, as well as graveled driveways and parking areas and most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures and paved areas.

Improvements: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including, but not limited to: grading, paving, curb, gutter, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

Land Development: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Excluded from this definition of land development are the following:
 - 1. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Land Disturbance Activity: Any use involving the installation of ground cover, grading, filling or excavation of land; or the erection of a dwelling or other principal structure; or the modification, removal, filling, or alteration of an existing stormwater management facility or drainage easement.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscape Architect: A licensed landscape architect registered in the Commonwealth of Pennsylvania.

Landscaping: The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a public or approved private street.

- A. Corner lot: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.
- B. Flag Lot: A lot or parcel that has been approved with access provided to the bulk of the lot by means of a narrow corridor. Said lot has less frontage on a public street than is normally required.
- C. Interior lot: Any lot other than a corner lot.
- D. Through lot: A lot extending between and having frontage on two streets.

Lot Area: The area contained within the property lines of a lot excluding space within any public right-of-way but including the area of any easement(s).

Lot Coverage: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches.

Lot Depth: A mean horizontal distance between the front and rear lot lines, measured

in the general direction of its side lot lines.

Lot Frontage: The lot dimension measured along the street line of any street abutting a lot.

Lot Line: A line dividing one lot from another lot or from a street or alley. In most instances, a lot line is also a property line. However, wherever a property line borders or is within a public street, the lot line shall be considered to be the existing street right-of-way line.

- A. Lot Line, Front: On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
- B. Lot Line, Rear: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
- C. Lot Line, Side: Any lot line that is not a front or rear lot line

Lot Width: The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

Maintenance Guaranty: A guaranty by the subdivider/developer that he shall maintain all improvements in good condition for a period after completion of construction and inspection of any improvements intended for public use.

Marker: A solid metal pin of at least $\frac{3}{4}$ " in diameter and at least 24" in length.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Mitigation: Includes (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree of magnitude of the action or its implementation; (c) rectifying the impact by repairing, reducing or eliminating the impact over time by preservation and maintenance operations during life of the action; and (d) compensating for the impact by replacing or providing substitute resources.

Mobile home: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and

assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Stand: That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

Mobile Home Subdivision: An area designed exclusively for mobile homes and mobile dwelling units where lots are not rented but sold.

Monument: A stone or concrete monument with a flat top at least 4" diameter or square and at least 24" in length (preferred 30" to 36"). Concrete monuments shall contain a copper or brass dowel (plug). The bottom sides or radius shall be at least 2" greater than the top, to minimize movements caused by frost.

MPC: The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended and as may in the future be amended.

Municipality: The Borough of Orwigsburg, Schuylkill County, Pennsylvania.

Non-Residential: Any use other than a dwelling. An institutional use, in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

Official Map: A map adopted by ordinance pursuant to Article IV of the Pennsylvania

Municipalities Planning Code.

100-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. a flood that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

100-Year Flood Elevation: The water surface elevations of the 100-Year Flood.

Open Space: An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Open Space, Common: See “Common Open Space”

PADEP: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Penn DOT: The Department of Transportation of the Commonwealth of Pennsylvania.

Permanent Foundation: The term permanent foundation as it relates specifically to mobile homes shall include a "skirt" around the perimeter of the mobile home which shall be of masonry construction upon footers set below the frost line and oriented to the perimeter of the mobile home so as to provide a weather tight joint on all four sides.

Permeable Surface: A surface that permits the passage of water (opposite of impervious surface).

Plan: The map or plan of a subdivision or land development, whether preliminary, or final.

Plan, As-Built: A plan of the original approved facilities showing those changes made during the construction process, including all supplementary data specified in Section 1203 of this Ordinance.

Plan, Final: A complete and exact subdivision and/or land development plan including all supplementary data specified in Article VI of this Ordinance; a final plat.

Plan, Lot Annexation: A plan prepared to append or unite a lot, tract or parcel to an adjacent lot, tract or parcel, thus creating and resulting in one lot comprised from two or more adjacent lots, and which includes all supplementary data specified in Article VI of this Ordinance.

Plan, Lot Consolidation: A plan prepared to consolidate two or more existing tracts to create one lot with revised lot lines, and which includes all supplementary data specified in Article VI of this Ordinance.

Plan, Natural Subdivision: A plan prepared where a portion of an applicant's land is divided into two or more portions by virtue of the location of a public road, either State or Borough; where the separate portions meet all the requirements of the Orwigsburg

Borough Zoning Ordinance relating to the applicable zoning district; and which includes all supplementary data specified in Article VI of this Ordinance.

Plan, Preliminary: A subdivision and/or land development plan including all required supplementary data specified in Article V of this Ordinance, showing approximate locations.

Plan, Revised Subdivision and/or Land Development: A plan that is (1) a replatting of a recorded plan due to survey corrections or (2) a revision due to survey corrections of an approved Final Plan which has not yet been recorded complete and exact subdivision or land development plan, and which includes all supplementary data specified in Article VI of this Ordinance.

Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal prepared in accordance with Article IV of this Ordinance.

Planning Code: The Pennsylvania Municipalities Planning Code (MPC), Act of July 31, 1968, P.L. 805, Act 247, as amended by Act 170 of 1988.

Planning and Zoning Commission: Borough of Orwigsburg Planning and Zoning Commission.

Planning Module for Land Development: A revision to the Borough Official Act 537 Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

Planting, Screen: A planting strip five (5) feet in width having an initial height of not less than four (4) feet which shall provide a continuous visual buffer. (See also "Visual Screen".)

Planting Strip: A strip of land lying between the curb line, or edge of cartway, and the sidewalk or walkway; and any area requiring a screen planting as specified in this Ordinance, the Zoning Ordinance or any other Borough ordinances, codes, regulations, plans and maps.

Plat: See "Plan".

Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

Project Site: An area of land under land disturbance or development and within the jurisdiction of this Ordinance.

Public Grounds: includes the following:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or Planning and Zoning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Recorder of Deeds: The Recorder of Deeds in and for Schuylkill County, Pennsylvania.

Replacement Location: A location designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of DEP and all applicable Borough Ordinances for an individual on-lot sewage system.

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Reserve Strip: A narrow parcel of ground separating a street from other adjacent properties.

Resubdivision: Any redivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan. See "Subdivision."

Retention Basin: A reservoir, formed from soil or other material, containing a permanent pool of water and designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Review: The process of making a determination whether a subdivision or land development plan and required accompanying documents and data, conform with the ordinance and other applicable ordinances, laws, rules, and regulations.

Right-of-Way: The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

Right-of-Way, Street: The total dedicated width of a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Seasonal High-Water Table Soils: Those soils in which the groundwater surface is no more than twenty (20) inches from the ground surface at certain times of the year.

Screening: The use of plant materials, fencing, walls and/or earthen berms, or combinations thereof, to aid in the concealment of such features as parking areas and vehicles, and to provide for privacy between two (2) or more different land uses or activities; a visual and/or sound buffer or other barrier.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Sediment Basin: A barrier, dam, detention or retention basin designed to retain sediment.

Sediment Pollution: The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with 25 PA Code Chapter 102 (Erosion and Sediment Pollution Control).

Sedimentation Control: The use of manmade or other methods to minimize accelerated erosion and sedimentation.

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Sewage Disposal System, On Lot: Any septic system or structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sewage Disposal, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sewage Enforcement Officer: The Borough official, who being certified by the State Board of Certification or Pennsylvania Department of Environmental Protection, issues and reviews permit applications and conducts such investigations, inspections and tests as are necessary to implement the Pennsylvania Sewage Facilities Act as amended, and the rules and regulations issued thereunder, and borough Ordinances.

Shoulder: The portion of a street, contiguous to the main traveled portion, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

- A. Passing Sight Distance: A line of unobstructed vision from the height of a driver's eye three and one-half (3.5) feet above the surface of a roadway to see an object on the roadway at a height of three and one-half (3.5) feet high.
- B. Stopping Sight Distance: A line of unobstructed vision from the height of a driver's eye three and one-half (3.5) feet above the surface of a roadway to see an object on the roadway at a height of one-half (0.5) feet high.

Site Disturbance: Any activity which involves removal of vegetation, or which causes land on a given site to be exposed to the danger of erosion, including clearing, grading, filling, plowing, and other types of earthmoving.

Site Improvements: Physical additions or changes to the land that may be necessary to provide usable and desirable lots, including but not limited to, utilities, streets, curbing, sidewalks, street lights and storm water.

Sketch Plan: A plan submitted at the option of the Applicant, usually a freehand drawing of an idea for a proposed subdivision and land development; which may show the layout of streets, lots, and other pertinent features. It is advisable that it be drawn on a general topographic or tax assessment map.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

Soil Percolation Test: A field test conducted in accordance with Pennsylvania Department of Environmental Protection (PADEP) standards to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Stabilization: The proper placing, grading and/or covering of soil, rock or earth to ensure their resistance to erosion, sliding, or other movement.

Storm Sewer: A system of pipes, conduits, swales, or other similar structures including appurtenant works which carries intercepted runoff, and other drainage, but excludes domestic sewage and industrial wastes.

Storm Water: Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Storm Water Management: A program of controls and measures including BMPs designed to regulate the quantity and quality of storm water runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

Storm Water Management Facilities: Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses and floodplains) used to effect a storm water management program.

Storm Water Management Plan: A plan for controlling surface water runoff so that it will preclude erosion or flooding and/or the adverse effects of impervious areas on surface water runoff as required by This and other Borough ordinances, codes, regulations, plans and maps.

Stream: A natural drainage way having defined bed and banks that supports aquatic life including, but not limited to, fish, reptiles and macroinvertebrates.

Street: A public or private thoroughfare which affords principal means of access to abutting properties, but not including an alley or a driveway.

Street Line or Street Right-of-Way Line: The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

Street, Public: A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory: A structure subordinate to and detached from the principal structure on the same lot and used for the purposes customarily incidental to the principal structure.

Subdivider: See Applicant and Developer.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Natural: The division of land into two or more portions by virtue of the location of a public road.

Substantially Completed: Where, in the judgment of the Borough Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted pursuant to Article XIII) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surveyor: Professional land surveyor registered by the Commonwealth of Pennsylvania.

Swale: A low lying stretch of land which gathers or carries surface water runoff.

This Ordinance: The Orwigsburg Borough Subdivision and Land Development Ordinance, and any supplements or amendments.

Tile Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

Topographic Map: A map showing the elevations of the ground by contours or elevations.

Top Soil: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon".

Undeveloped Land: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or for any other use.

Unit: A part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or buildings.

Usable Open Space: The unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more

than 25% is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

Visual Screen: A well maintained hedge, landscaped berm, or other vegetative materials which upon planting or installation is both of a minimum height of four feet (4'0") and of sufficient density to conceal from the view of adjacent properties the structures and uses on the premise where the screening is located. Up to thirty percent (30%) of the screening may be accomplished by using a fence or wall.

Waiver: The granting of a modification to these regulations which in the opinion of the Borough Council will not be detrimental to the general welfare, impair the intent of those regulations or conflict with the comprehensive plan.

Watercourse: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or manmade.

Waters of this Commonwealth: Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground waters, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

Watershed: The entire region or area drained by a river, creek, stream or other body of water whether natural or artificial.

Water Supply System, Community: A system for supplying and distributing water from a common source to two or more dwellings.

Water Supply System, On Lot: A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

Water Facility: Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wetland Delineation: The defined boundary between a wetland and upland, in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.

Zoning District: A portion of the Borough or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

Zoning Hearing Board: The Zoning Hearing Board of and for Orwigsburg Borough.

Zoning Map: The Zoning Map of Orwigsburg Borough adopted under the Orwigsburg Borough Zoning Ordinance, together with all amendments thereto subsequently adopted.

Zoning/Code Enforcement Officer: The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Code Enforcement Officer and serve both offices of the Borough.

Zoning Ordinance: The officially adopted Orwigsburg Borough Zoning Ordinance with any and all amendments thereto.

Zoning Permit: A written statement issued by the zoning officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

ARTICLE III GENERAL PROCEDURES AND PROCESSING REQUIREMENTS

Section 301. Prior to Submission

Copies of this Ordinance shall be available on request, at cost, for the use of any person who desires information concerning subdivision standards and procedures in effect within the Borough. Any prospective subdivider may meet with the Borough Planning and Zoning Commission to discuss and review tentative plans and/or the provisions of this Ordinance.

No plans except sketch plans will be considered by the Planning and Zoning Commission unless the applicant submits said plans, along with an Application for Subdivision and Land Development, all required supporting documentation and the required fees to the Borough Manager not less than ten (10) working days prior to a regularly scheduled meeting of the Planning and Zoning Commission. No application shall be deemed filed unless all requirements have been met and all fees therefor paid in full.

Section 302. Sketch Plans

Subdividers are encouraged to discuss possible development sites with the Planning and Zoning Commission and staff prior to the preparation of a Preliminary Plan. Sketch Plans should be prepared in accordance with the requirements of Article IV of this Ordinance.

Section 303. Preparation and Submission of Plans

A. Preparation of Plans.

All plans are to be prepared in accordance with the specifications set forth by the "Professional Engineers Registration Law" (P.L. 913, No.367). All plans are to be certified by the preparer as being accurate.

B. Submittal of Plans.

The subdivider or land developer shall submit an Application for Subdivision and Land Development and copies of proposed Preliminary Plan to the Borough Manager and the Borough Manager shall distribute the required number of copies to the agencies concerned. If the subdivider or land developer makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as Preliminary Plans when resubmitted.

The Borough Manager shall receive all fees on behalf of the Borough and County.

The Borough Manager shall maintain a permanent log which shall indicate the following:

1. The title of the Plan.
2. The name of the owner or developer of the Plan.
3. The name of the surveyor or engineer preparing the Plan.
4. The name, address, telephone number and relationship to the owner or developer of the Plan of the person filing the Plan.
5. The date, time and place of the filing.

Copies of both Preliminary and Final Plans, including applications, for Subdivision and Land Development shall be forwarded by the Borough Manager to the County Planning and Zoning Commission for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant.

Upon approval of the Preliminary Plan, the subdivider shall submit a Final Plan to the Borough Manager and the Borough Manager shall distribute the required number of copies to the Borough agencies concerned.

Mobile Home park plans shall be reviewed in the same manner as subdivision and land development plans.

C. Planning and Zoning Commission Review - Preliminary Plans.

Not less than ten (10) working days prior to a regularly scheduled meeting of the Planning and Zoning Commission, the applicant shall submit two (2) copies of the Application for Review of Preliminary Subdivision or Land Development Plan and twelve (12) copies of the Preliminary Plan drawn by a Registered Surveyor or a Registered Professional Engineer.

Additionally, Preliminary Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.

1. After the Borough Manager has verified the completeness of the submittal, copies of the Preliminary Plan and Supporting Documentation shall be distributed by the Borough Manager to the appropriate reviewing and advisory bodies for comment and report. Additionally, Preliminary Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.

2. At the first meeting of the Planning and Zoning Commission no action will be taken for most applications. The plan will be considered as a briefing item for general comments and introduction by the Borough staff. The Planning and Zoning Commission may elect to take action on any subdivision or land development if deemed to be in order and all review comments from the Borough staff, Borough Engineer, and County Planning and Zoning Commission are available.

The Planning and Zoning Commission may discuss the preliminary plan application with the developer or his agent at the next regular meeting and will review the application to determine if it meets the standards set forth in this Ordinance. The preliminary plan shall then be submitted by the Planning and Zoning Commission together with its analysis and recommendations, including those of the Borough staff and Engineer to the Borough Council.

3. At the next regular or special Planning and Zoning Commission meeting following receipt of reports from agencies listed above, or following the passage of thirty (30) days from the time of Preliminary Plan submission, the Planning and Zoning Commission shall:
 - a. Review the applicant's submission.
 - b. Review all reports received.
 - c. Discuss submission with applicant, or applicant's agent.
 - d. Evaluate the plan, reports, and discussion.
 - e. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Borough.
 - f. Determine any required supplemental plans and/or studies, such as Traffic Impact Study, etc.
 - g. Either recommend approval, disapproval or conditional approval of the Preliminary Plan.
 - h. Submit its report to Borough Council. When the Planning and Zoning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
4. During the course of the Planning and Zoning Commission's review of the Preliminary Plan and prior to any action by Borough Council within the

required ninety (90) day review period, the Preliminary Plan may be revised by the applicant. The required number of copies of the revised plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. Upon submission of the revised Preliminary Plan, (which shall not be comprised of any plans, documents or other submissions theretofore submitted, unless the Planning and Zoning Commission specifies to the contrary), the applicant shall sign a statement withdrawing any previously submitted Preliminary Plan from consideration and shall stipulate that a new ninety (90) day time period shall commence from the date of the Planning and Zoning Commission's meeting next following the filing of the revised Preliminary Plan. The revised Preliminary Plan shall be submitted in accordance with the requirements of Section 303 A. and B.

5. Review by the Borough Staff.

- a. The Borough Zoning Officer and/or any Borough personnel as directed by the Borough Council shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the comprehensive plan, and the Borough planning objectives and accepted planning standards. These personnel shall provide comments and recommendations, including written findings when directed by the Borough Council.
- b. The Borough Engineer shall review the application documents to determine compliance with this Ordinance and any other applicable Borough Ordinances, Borough standards and good engineering practices. He shall prepare a written report of his findings and recommendations.

D. Planning and Zoning Commission Review - Final Plans.

Not less than ten (10) working days prior to a regularly scheduled meeting of the Planning and Zoning Commission, the Applicant shall submit two (2) copies of an application for Review of Final Subdivision or Land Development Plan and twelve (12) copies of the Final Plan to the Borough Manager. The Final Plan shall be prepared by a registered Surveyor or a registered Professional Engineer in accordance with the standards set forth by the "Professional Engineers Law." Final Plans shall conform in all important details with Preliminary Plans as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plans.

1. After the Borough Manager has verified the completeness of the submittal, copies of the Final Plan and Supporting Documentation shall be distributed by the Borough to the appropriate reviewing and advisory bodies for comment and report. Additionally, the Final Plan and

Supporting Documentation shall be submitted to adjacent municipalities and governmental agencies that may be affected by the Plan.

2. At a regular or special Planning and Zoning Commission meeting following receipt of reports from agencies listed above, or following the passage of thirty (30) days from the time of Final Plan submission, whichever comes first, but in no case after sixty (60) days from the time of Final Plan submission, the Borough Planning and Zoning Commission shall:
 - a. Review the applicant's submission.
 - b. Review all reports received.
 - c. Discuss submission with the applicant, or applicant's agent.
 - d. Evaluate the plan, reports and discussion.
 - e. Determine whether the Final Plan meets the objectives and requirements of this Ordinance and other ordinances of the Borough.
 - f. Either recommend approval, disapproval or conditional approval of the Final Plan.
 - g. Submit its report to Borough Council. When the Planning and Zoning Commission recommends disapproval or conditional approval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
3. During the course of the Planning and Zoning Commission's review of the Final Plan and prior to any action by Borough Council within the required ninety (90) day period, the Final Plan may be revised according to the procedure for Preliminary Plan revisions and as set forth in Section 303 C.3 herein, and a new ninety (90) day review period will begin as also set forth in Section 303 C.3.

E. Approval of Plans by Borough Council.

1. After receipt of the Borough Planning and Zoning Commission's recommendations, Borough Council shall:

- a. Evaluate the applicant's submission, presentation and report to the Borough Planning and Zoning Commission and review comments of the Borough Engineer and/or Planning Consultant.
 - b. Determine whether the Plan meets the objectives and requirements of this Ordinance and other ordinances of the Borough.
 - c. Approve, conditionally approve, or disapprove the Plan.
2. Borough Council shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of Borough Council or the Planning and Zoning Commission (whichever first reviews the application) next following the date the application was filed or after a final order of court remanding an application, provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application or the final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.
 - a. The decision of Borough Council shall be in writing and shall be communicated to the Applicant in the manner and within the time period required by the MPC.
 - b. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
 - c. Failure of Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein, unless a greater period of time has been authorized by the Municipalities Planning Code, shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
 - d. Borough Council shall not approve any Plan until the County Planning and Zoning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
3. Compliance with the Borough Council Action - Preliminary Plans. If the Borough Council conditions its preliminary plan approval upon receipt of additional information, changes and/or notifications, such data shall be

submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Borough for approval. Such data shall be submitted to the Borough Council within ninety (90) days of their conditional approval, unless the Borough Council grants a waiver by extending the effective time period.

The Borough Council's approval of the plan shall be rescinded automatically should the developer fail to accept or reject the conditions as permitted by the MPC.

4. Borough Council Approval and Certification - Preliminary Plans. The Borough Council will acknowledge the satisfactory compliance with all conditions, if any, of the preliminary plan approval at a regularly scheduled public meeting. Additionally, at the option of the applicant, after receipt of preliminary plan approval and compliance with all conditions of approval, a preliminary plan may be presented to the Borough for acknowledgment through a formal statement on the plan.

5. Compliance with the Borough Council Action - Final Plans. If the Borough Council conditions its final plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Borough for approval. Such data shall be submitted to the Borough Council within ninety (90) days of their conditional approval, unless the Borough Council grants a waiver by extending the effective time period.

The Borough Council's approval of the plan shall be rescinded automatically should the developer fail to accept or reject the conditions as permitted by the MPC.

6. Borough Council Approval and Certification - Final Plans. The Borough Council will acknowledge the satisfactory compliance with all conditions, if any, of the final plan approval at a regularly scheduled public meeting. Additionally, at the option of the applicant, after receipt of final plan approval and compliance with all conditions of approval, a final plan may be presented to the Borough for acknowledgment through a formal statement on the plan.

7. Effects of Changes in the Ordinance.

- a. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing

ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- b. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval.
 - c. Where the landowner has substantially completed the required improvements as depicted upon the Final Plan no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.
 - d. Each phase in any residential subdivision or land development, except for the last phase shall contain a minimum of twenty-five percent of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by Borough Council in its discretion.
8. Before acting on an application, Borough Council may hold a public hearing thereon after public notice.
9. Expiration of Preliminary Plan Approval.
- Preliminary Plan approval shall expire within five (5) years after being granted, unless, due to extenuating circumstances, an extension is requested by the developer, recommended by the Planning and Zoning Commission and approved by Borough Council. Requests for extensions must be submitted to the Borough Manager thirty (30) days prior to any prevailing expiration date. Extensions may be granted for no more than two (2) one-year periods.
10. Effect of Preliminary Plan Approval.
- Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development in respect to general design, the approximate dimensions and other planned features. Preliminary Plan

approval binds the applicant to the general scheme of the Plan as approved and permits the applicant to begin preparation of the Final Plan. Preliminary Plan approval does not authorize the recording, sale or transfer of lots.

After Preliminary Plan approval, the applicant may proceed with site work and the installation of required improvements or common amenities. However, no other development activities are permitted prior to the approval of a Final Plan in accordance with the provisions of Sections 303 D., 304, 305 or 306 and of Article XIII of this Ordinance.

11. Signature of Approved Plans.

In lieu of signature by the Borough Council, the Borough Manager may also be authorized to sign approved plans.

Section 304. Minor Subdivision or Land Development Plans

Any subdivision or land development which contains no more than ten (10) lots or prospective occupants may be reviewed and acted upon as a Final Plan without the necessity of prior Preliminary Plan approval. Such determination shall be made by Borough Council after receipt of a written request for waiver of the requirement for a Preliminary Plan from the Applicant.

The determination by Borough Council shall be based upon the following considerations:

- A. The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Borough necessitates processing initially as a preliminary plan.
- B. The proposed subdivision or land development complies with the applicable provisions of this Ordinance.
- C. After two (2) minor subdivisions have taken place within any given tract, the applicant shall be required to submit a complete Preliminary Plan for the entire tract on the next subsequent application, unless the size, frequency and interrelationship of prior subdivisions clearly do not warrant such.

Section 305. Lot Annexation Plans

A parcel or parcels of land may be added to an existing recorded lot or lots for the purpose of increasing the lot size(s), making an adjustment to clarify boundary lines or bringing the lot(s) into conformance for setback lines provided that:

- A. The parcel(s) to be added must be contiguous to the existing lot(s) and must maintain or improve the overall straightness of lot lines.
- B. The Plan prepared for the addition of this parcel(s) shall follow the procedures for Final Plans as outlined in Sections 303 D. and 303 E. of this Ordinance.
- C. The owner shall specify on the Plan that the parcel(s) is for the sole purpose of enlarging an existing lot. The combined tracts shall then be treated as one lot for all purposes under this and all other ordinances of Orwigsburg Borough, existing or future.

Section 306. Natural Subdivisions

Whenever a portion of an applicant's land is divided into two or more portions by virtue of the location of a public road, either State or Borough, it may be construed as having been "naturally" subdivided providing that the separate portions must meet all the requirements of the Orwigsburg Borough Zoning Ordinance relating to the applicable zoning district. In cases where a "naturally subdivided" section of land does not meet the zoning requirements, it may be conveyed only for annexation to an adjoining parcel and not as a separate building lot. Natural Subdivisions shall be processed in the same manner as Final Plans as outlined in Sections 303 D. and 303 E. of this Ordinance. The Plan prepared for the addition of this parcel shall follow the procedures outlined for Lot Annexation Plans in Section 305 of this Ordinance

Section 307. Lot Consolidation Plans

Two or more existing tracts can be consolidated to create one lot with revised lot lines. Lot Consolidation Plans shall be processed in the same manner as Final Plans as outlined in Sections 303 D. and 303 E. of this Ordinance.

Section 308. Revised Subdivision and/or Land Development Plans

Any replatting of recorded plans due to survey corrections or revision due to survey corrections of approved Final Plans which have not yet been recorded can be submitted as a Revised Subdivision or Revised Land Development Plan. Such Plans shall be processed in the same manner as Final Plans as outlined in Sections 303 D. and 303 E. of this Ordinance.

Section 309. Recording Plans and Deeds

- A. Upon the approval of a Final Plan, the applicant shall, within ninety (90) days of such approval, record such plan in the Office of Recorder of Deeds of Schuylkill County. The Recorder of Deeds shall not accept any plan for recording unless

such plan officially notes the approval of Borough Council and review by the County Planning and Zoning Commission. No plans will be released by the Borough for recording until all outstanding review fees and expenses have been paid by the applicant.

- B. Within ten (10) days after recording, the applicant shall furnish the County Planning and Zoning Commission and the Borough a Recorder's Certificate upon a copy of the Plan certifying that said Plan is properly recorded.
- C. Streets, public grounds, easements and other public improvements may be offered for dedication to the Borough by formal notation on the Final Plan, or the applicant may note that any such improvements have not been offered for dedication to the Borough.
- D. Streets and public grounds shown on a recorded Final Plan shall be deemed private until offered for dedication to the Borough and accepted by ordinance or resolution; or until legally adopted for use by the public.
- E. The recording of the Plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.
- F. Effect of Recording of Final Plan. Recording the Final Plan, after approval of the Borough Council, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in this Ordinance. However, the approval of the Borough Council shall not impose any duty upon the Commonwealth, County or Borough concerning acceptance, maintenance or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County or Borough actually accept same by resolution in accordance with Section 1208 of this Ordinance.
- G. Effect of Plan Approval on Official Map.

After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Borough (if and when adopted) without public hearing.

Section 310. State Highway Access

No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L.1242, No. 428), known as the "State Highway Law," before driveway access to a

State highway is permitted. The Department shall, within sixty (60) days of the date of receipt of an application for a highway occupancy permit:

- A. Approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the Department shall give notice thereof in accordance with regulations;
- B. Deny the permit;
- C. Return the application for additional information or correction to conform with Department regulations; or
- D. Determine that no permit is required in which case the Department shall notify the Borough and the applicant in writing.

If the Department shall fail to take any action within the sixty (60) day period, the permit will be deemed to be issued.

The Plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit.

Neither the Department nor any municipality to which permit-issuing authority has been delegated under the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the Borough shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.

Section 311. Fees

A Review Fee.

Each subdivision or land development plan application shall be accompanied by the required review fee as established and adopted by Resolution of Borough Council. A copy of said fee schedule shall be available for review at the Borough Office. Fees shall be payable to the Borough at the time of application (unless otherwise noted herein) and plan processing, approval and recording shall not be completed until all required fees are paid. There shall be no refund or credit of fees or a portion of any fee should the Applicant withdraw the plan during the review process or fail to receive plan approval.

B Professional Service Fees.

In addition to the required review fee, it is anticipated that additional expenses will be incurred by the Borough in processing the Preliminary and/or Final Plans which are submitted, or which may be required to be submitted under this Ordinance, for engineering, legal or other Professional Consultant expenses. If the fees are not sufficient to cover these expenses incurred in the review of said plans, the Borough shall notify the person submitting the plans for review of the additional expense and shall request payment of the same. All payment requested by the Borough for engineering, legal or other Professional expense shall be the actual cost of the services incurred by the Borough. These services shall be billed at the normal established rate for engineering or legal services provided to the Borough.

Section 312. Disputes over Fees

In the event the applicant disputes the amount of any such review fees, the applicant shall follow the procedure as prescribed in the Pennsylvania Municipalities Planning Code.

Section 313. Mediation Option

The Borough may offer a mediation option as an aid in completing proceedings required by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Section 1405 of this Ordinance.

ARTICLE IV OPTIONAL SKETCH PLAN SUBMISSION

Section 401. Sketch Plan (Option to Developer)

Prior to the submission of a Preliminary Plan, the developer may submit a Sketch Plan directly to the Planning and Zoning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the developer to factors which must be considered in the design of the subdivision or land development such as pertinent elements of any county or municipal land use, thoroughfare and community facilities. This will enable the Planning and Zoning Commission to review the proposal and to make any suggestions or discuss with the developer any proposed plans or factors that may affect his subdivision or land development.

Sufficient information should be included in the Sketch Plan to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which the same is to be located.

Prospective developers should consult with the Pennsylvania Department of Environmental Protection (PADEP) concerning soil suitability when on-site sewage disposal facilities are proposed. Prospective developers should also consult with the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

Where a proposed subdivision or land development meets the criteria for submission of a Traffic Impact Study (Section 717) and/or an Environmental Impact Assessment Report (Section 718), or where other provisions of this Ordinance are considered inapplicable to the proposal, the developer may submit a request for modification of one or more requirements of this Ordinance. Such request for modification shall be reviewed in accordance with the requirements of Article XIII of this Ordinance.

Submission and review of a Sketch Plan shall not constitute official submission of a plan to the Borough.

Section 402. Required Information

The following information shall be contained on a Sketch Plan:

- A. A plan designated, Sketch Plan, drawn at a scale not smaller than 1" = 200'.

- B. An approximate key map showing the generalized location of the tract and adjacent streets.
- C. Tract boundaries with approximate dimensions.
- D. North point, topography, swales, major tree stands and other significant existing site features.
- E. Proposed street and lot layout with information as to the kinds of uses contemplated.
- F. The approximate location and configuration of proposed buildings, parking compounds, streets, driveways, and general storm water facility locations.
- G. Building setback lines.
- H. A note on the Plan indicating the types of sewer or water facilities to be provided.
- I. The name and address of the owner(s) of the tract (or an authorized agent), the Developer/Subdivider and the firm that prepared the Plan.
- J. The file or project number assigned by the firm that prepared the Plan, the Plan date, and the date(s) of all plan revisions.
- K. The source of title (including the deed, lot, and plan of record number) to the subject tract.
- L. The (tax) parcel identification number(s) for the subject tract.
- M. The zoning district and lot size and/or density requirements of the applicable zoning regulations.
- N. A copy of any applicable zoning decisions.
- O. Where a request for modification is included as part of the Sketch Plan submission, sufficient information shall be provided to enable the Planning and Zoning Commission, Borough Engineer and Borough Council to act on said request.

ARTICLE V
PRELIMINARY PLAN REQUIREMENTS

Section 501 Preliminary Plan Requirements

A Preliminary Plan submittal shall contain the following specifications:

A. Drafting Standards.

1. Scale.

Plans shall be clearly and legibly drawn to a scale not smaller than 1" = 100'. The Borough Council may require final plans at a scale of 1" = 50' as a condition of preliminary approval to assure legibility in cases warranted by the complexity of the proposal.

2. Dimensions and Bearings.

The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.

3. Sheets.

Plans shall be on sheet sizes no larger than 30" x 42." If the Plan requires more than one sheet, each sheet shall be numbered, and sheet layout index shall be provided.

4. Presentation.

Plans shall be presented in a clear, legible, coherent and organized manner.

B. Plan Information.

1. Location and Identification.

- a. The proposed project name and municipality or municipalities in which located.
- b. The name and address of the owner(s) of the tract (or an authorized agent), the developer/subdivider and the firm that prepared the plan.
- c. The file or project number assigned by the firm that prepared the

plan, the plan date, and the date(s) of all plan revisions.

- d. A north arrow, a graphic scale and a written scale.
- e. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1" =2,000') relating the subdivision to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- f. If the tract of land is located within 200 feet of a Borough or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
- g. The entire existing tract boundary with bearings and distances.
- h. The source of title (including the deed, lot and plan of record number) to the subject tract.
- i. The (tax) parcel identification number(s) for the subject tract.
- j. The designation, Preliminary Plan.

2. Existing Features.

- a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- b. The location of the benchmark and a notation indicating the datum used.
- c. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted in areas where improvements are proposed but should be used beginning 50 feet outside the improvement boundary.
- d. The following items when located within the subject tract:
 - (1) The location, name and dimensions of existing rights-of-way or easements relating to streets, cartways, driveways or service streets.
 - (2) The location and size of the following features and related

rights-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and storm water management facilities.

- (3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
- (4) The size, capacity and condition of the existing storm water management system and any other facility that may be used to convey storm flows within and from the subject tract.
- (5) The Preliminary Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, wetlands, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.

e. The following items when located within two hundred (200) feet of the subject tract:

- (1) The location and name of existing rights-of-way or easements relating to streets, cartways, driveways or service streets.
- (2) As available, the location of buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and storm water management facilities including the location and size of related easements.
- (3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
- (4) As available, the size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows from the subject tract.
- (5) The location of woodlands, habitats for endangered and threatened species, and highly erosive soils.

3. Additional Information.

- a. The total acreage of the entire existing tract.
- b. Identification and disposition of existing buildings and historic features.
- c. The location and configuration of proposed buildings, parking compounds, streets, driveways, street trees, street lights, landscaping and all other significant facilities.
- d. Building setback lines, with distances from the street centerline or street right-of-way line, whichever requirement is applicable under the zoning regulations.
- e. Existing and proposed easements.
- f. The street centerline profile for each proposed street shown on the Preliminary Plan.
- g. A typical street cross-section for each proposed street and typical cross-section for any existing street that will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
- h. Clear sight triangles at street intersections, as set forth in Section 703 c. (10) (b) of this Ordinance.
- i. A note on the plan indicating the types of sewer or water facilities to be provided.
- j. Location of proposed sanitary and storm sewers, water mains and fire hydrants.
- k. When on-site sewage disposal systems are proposed, locations for the proposed soil percolation test sites and probe holes shall be shown.
- l. When on-site water supply is proposed, the approximate location of all well sites shall be shown. For lots also to be served by on lot sewage disposal systems, 100-foot isolation distances shall be drawn on the Plan.
- m. Identification of any modifications granted by the Borough Council, if applicable.

- n. The zoning district and lot size and/or density requirements of the applicable zoning regulations.
- o. The location and material of existing lot line markers along the perimeter of the entire existing tract.
- p. The layout of lots, with approximate dimensions.
- q. The total number of lots, units of occupancy, net density, gross density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
- r. The layout of streets, including cartway and right-of-way widths, and the proposed street names.
- s. Storm water management plans and data designed in accordance with the Orwigsburg Borough Storm Water Management and Earth Disturbance Ordinance.
- t. Land subject to flooding shall further submit information as set forth in Section 714 of this Ordinance relative to Flood Plain Area Regulations.
- u. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purpose.
- v. Where the Preliminary Plan covers only a part of the subdivider's holdings, a key map at a scale not smaller than four hundred (400) feet to the inch, showing the entire tract, its topography at contour intervals of at least twenty (20) feet, its manmade and natural features, and the proposed street layout for the entire tract; abutting streets and names of abutting property owners; and the portion of the tract included in the Preliminary Plan submission.
- w. In the case of a plan which requires access to a highway under the jurisdiction of Penn DOT (Pennsylvania Department of Transportation), the inclusion of the following plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Borough Council's approval of this plan in no way implies that such permit can be acquired.”

- x. In the case for the phased installation of improvements:
- (1) A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.
 - (2) Each section in any subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units unless the Borough Council specifically approves a lesser percentage for one or more of the sections.
 - (3) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future phases. Including, but not limited to storm water management facilities, streets, and utilities.
 - (4) Except for staged construction of streets intended to be extended in subsequent phases, all improvements for each section shall be installed in their permanent configuration. The final wearing course shall be carried in an improvement guarantee until it is finally installed and inspected.
 - (5) It is not necessary for construction in one section to be completed for the next section to be submitted.
 - (6) All subsequent phased Final plans shall be submitted within five years of the date of Borough Council action on the Preliminary Plan unless otherwise agreed upon by the Applicant and Borough. The Applicant shall take the responsibility to provide the Borough with reasonable notice of delays in the filing of Final Plans.
 - (7) The Applicant shall annually update the Borough regarding the schedule on or before the anniversary date of the Preliminary Plan approval.

Section 502. Supporting Documentation

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or

Landscape Architect that prepared the plan that all other information shown on the plan is accurate.

2. Signature(s) of the legal and/or equitable owner(s) certifying concurrence with the Plan.
3. Certificate of review by the Borough Planning and Zoning Commission.
4. Certificate for approval by the Borough Council.
5. Certificate of notification to be signed by the Schuylkill County Planning and Zoning Commission.
6. Provide a note to be placed on the plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
7. Any improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines.
8. A Planning Module for Land Development or documentation from PADEP that none is required.
9. In the event that the Plans propose extension of service into the project by any Authority or jurisdiction other than the Borough, a statement from the applicable Authority or jurisdiction regarding the adequacy of such extension shall be submitted.
10. A preliminary Traffic Impact Study, where required herein.
11. A preliminary Environmental Impact Assessment Report, where required herein.
12. Verification of compliance with Flood Plain Area and Wetlands Regulations as set forth herein.
13. A preliminary Grading Plan in accordance with Article XI.
14. Where the land included in the subject application has an agricultural, woodland, or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.

15. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
16. Where areas are reserved for future access strip usage, provide a plan note indicating that future access strip reservations are intended to be used in the future.

Section 503. Construction from Preliminary Plan

If construction from the approved Preliminary Plan is proposed, the following shall be provided to the Borough:

- A. An appropriately executed Land Development Agreement (See Appendix No. 17).
- B. Posting of all appropriately executed financial securities.
- C. Written notices of approval by outside agencies, if applicable:
 1. Notification from the Pennsylvania Department of Transportation (Penn DOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
 2. Notification from the Schuylkill County Conservation District (SCCD) that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency:
 3. Notification from the Pennsylvania Department of Environmental Protection (PADEP) that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

Section 504. Review Procedure

Preliminary Plans shall be reviewed in accordance with the procedures and requirements of Article III of this Ordinance.

ARTICLE VI FINAL PLAN REQUIREMENTS

Section 601. Final Plan Requirements

A Final Plan submittal shall contain the following requirements:

A. Drafting Standards.

1. Scale.

Plans shall be clearly and legibly drawn to a scale not smaller than 1" = 100'. The Borough Council may require final plans at a scale of 1" = 50' as a condition of preliminary approval to assure legibility in cases warranted by the complexity of the proposal.

2. Dimensions and Bearings.

The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.

3. Survey Closure.

The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

4. Sheets.

Plans shall be on sheet sizes no larger than 30" x 42." If the Plan requires more than one sheet, each sheet shall be numbered, and sheet layout index shall be provided.

5. Presentation.

Plans shall be presented in a clear, legible, coherent and organized manner.

B. Plan Information.

1. Location and Identification.

- a. The proposed project name and municipality or municipalities in which located.

- b. The name and address of the owner(s) of the tract (or an authorized agent), the developer/subdivider and the firm that prepared the plan.
- c. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- d. A north arrow, a graphic scale and a written scale.
- e. A location map, drawn to a scale of a minimum of one-inch equals two thousand feet (1" =2,000') relating the subdivision to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- f. If the tract of land is located within 200 feet of a Borough or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
- g. The entire existing tract boundary with bearings and distances.
- h. The source of title (including the deed, lot and plan of record number) to the subject tract.
- i. The (tax) parcel identification number(s) for the subject tract.
- j. The designation, Final Plan.

2. Existing Features.

- a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- b. The location of the benchmark and a notation indicating the datum used.
- c. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted in areas where improvements are proposed but should be used beginning 50 feet outside the improvement boundary.
- d. The following items when located within the subject tract:

- (1) The location, name and dimensions of existing rights-of-way or easements relating to streets, cartways, driveways or service streets.
 - (2) The location and size of the following features and related rights-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and storm water management facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
 - (3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (4) The size, capacity and condition of the existing storm water management system and any other facility that may be used to convey storm flows within and from the subject tract.
 - (5) The Final Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, wetlands, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
- e. The following items when located within two hundred (200) feet of the subject tract:
- (1) The location and name of existing rights-of-way or easements relating to streets, cartways, driveways or service streets.
 - (2) As available, the location of buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and storm water management facilities including the location and size of related easements.
 - (3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (4) As available, the size, capacity, and condition of the existing

storm water management system and any other facility that may be used to convey storm flows from the subject tract.

- (5) The location of woodlands, habitats for endangered and threatened species, and highly erosive soils.

3. Additional Information.

- a. The total acreage of the entire existing tract.
- b. Identification and disposition of existing buildings and historic features.
- c. The location and configuration of proposed buildings, parking compounds, streets, driveways, street trees, street lights, landscaping and all other significant facilities.
- d. Building setback lines, with distances from the street centerline or street right-of-way line, whichever requirement is applicable under the zoning regulations.
- e. Existing and proposed easements.
- f. A complete description of the centerline and the right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
- g. A typical street cross-section for each proposed street and typical cross-section for any existing street that will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
- h. The final vertical and horizontal alignment for each proposed street and driveway. All profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
- i. Lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.

- j. Clear sight triangles at street intersections, as set forth in Section 703 c. (10) (b) of this Ordinance.
- k. A grading plan, which shall include finished land contours and grades, directions of water movement, type of soils, location of water bars or silt fences and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
- l. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purpose.
- m. The final street names as approved by the applicable postal authority.
- n. A note on the plan indicating the types of sewer or water facilities to be provided.
- o. Location of proposed sanitary and storm sewers, water mains and fire hydrants.
- p. When on-site sewage disposal systems are proposed, locations for the proposed soil percolation test sites and probe holes shall be shown.
- q. When on-site water supply is proposed, the approximate location of all well sites shall be shown. For lots also to be served by on lot sewage disposal systems, 100-foot isolation distances shall be drawn on the Plan.
- r. Identification of any modifications granted by the Borough Council, if applicable.
- s. The location and material of all proposed and existing permanent monuments and lot line markers, including a note that all proposed monuments and lot line markers are set or indicating when and by whom they will be set.
- t. The zoning district and lot size and/or density requirements of the applicable zoning regulations.
- u. The total number of lots, units of occupancy, net density, gross density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).

- v. Land subject to flooding shall further submit information as set forth in Section 714 of this Ordinance relative to Flood Plain Area Regulations.
- w. In the case of a plan which requires access to a highway under the jurisdiction of Penn DOT (Pennsylvania Department of Transportation), the inclusion of the following plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Borough Council's approval of this plan in no way implies that such permit can be acquired.”

Section 602. Supporting Documentation - Final Plans

- A. Upon approval of the Final Plan by the Borough Planning and Zoning Commission and Borough Council, the following signatures in ink shall be placed directly on all copies of the plan submitted:
 - 1. The signature of the Chairman of the Borough Planning and Zoning Commission.
 - 2. The signature of the President of Borough Council.
 - 3. In lieu of signature by the Chairman of the Borough Planning and Zoning Commission and the President of Borough Council, the Borough Manager may also be authorized to sign approved plans.
- B. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the plan that all other information shown on the plan is accurate.
- C. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the Landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said plan.

- D. Statement by owner offering dedication of streets, rights-of-way and any sites for public uses which are to be dedicated.
- E. Certificate of review by the Borough Planning and Zoning Commission.
- F. Certificate for approval by the Borough Council.
- G. Certificate of notification to be signed by the Schuylkill County Planning and Zoning Commission.
- H. Certificate to accommodate the Schuylkill County Recorder of Deeds information.
- I. A note to be placed on the plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
- J. Written notice from the Borough stating that the proposed street names are acceptable.
- K. Certificate of dedication of streets and other public property, if applicable.
- L. A note to be placed on the plan indicating any area that is not to be offered for dedication, if applicable.
- M. Any improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land, the minimum building setback and/or right-of-way lines, and the centerline of such line.
- N. PADEP code number referencing approval of the Plan Revision Module or documentation from PADEP that none is required.
- O. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority standards).
- P. Verification of compliance with Flood Plain Area and Wetlands Regulations as set forth herein.
- Q. Where the land included in the subject application has an agricultural, woodland, or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any

conditions on the use of the land.

- R. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
- S. Where areas are reserved for future access strip usage, provide a plan note indicating that future access strip reservations are intended to be used in the future.
- T. The following storm water management data shall be provided for all plans designed in accordance with the Orwigsburg Borough Storm Water Management and Earth Disturbance Ordinance. This information may be provided on a sheet with other data or on separate sheets and need not necessarily be recorded with the Final Plan. In the case of any dispute in the methodology used in the design of any storm water management plan and/or in the presentation of such information, the Borough Council shall make the final determination on the design criteria, methodology, and form of presentation.
 - 1. All calculations, assumptions, criteria, and references used in the design of the storm water management facilities, the establishment of existing facilities' capacities, and the pre and post development peak discharges.
 - 2. All plans and profiles of the proposed storm water management facilities, including the horizontal and vertical location, size, and type of material. This information shall be to a detail required for construction of the facilities.
 - 3. For all basins, a plotting or tabulation of the storage volumes and discharge curves with corresponding water surface elevations, inflow and outflow hydrographs.
 - 4. For all basins which hold (2) acre-feet or more of water and have an embankment that is six (6) feet or more in height, soil structure and characteristics shall be provided. An engineer shall prepare plans and data. These submissions shall provide design solutions for the frost-heave potential, spring-swell potential, soil bearing strength, water infiltration, soil settling characteristics, fill and back-filling procedures, and soil treatment techniques as required to protect the improvements for adjacent structures.
 - 5. All erosion and sedimentation control measures, temporary as well as permanent, including the staging of earth-moving activities, in sufficient detail to clearly indicate their function. The erosion and sedimentation control plan shall meet all requirements of the PADEP Erosion and Sedimentation Control Manual. The applicant shall demonstrate that the applicant has submitted the erosion and sedimentation control plan to the

Conservation District for review.

6. The guidelines for lot grading within subdivisions. This information shall identify the direction of storm water runoff flow within each lot and the areas where storm water flows will be concentrated.
7. Finished first floor elevations for all residential units shall be shown on the Plan.
8. A note on the Plan indicating any area that is not to be offered for dedication along with a statement that the Borough is not responsible for maintenance of any area not dedicated to and accepted for public use, and that no alteration to swales, or basins, or placement of structures shall be permitted within easements.
9. Designation of limits of on-site watershed areas, including a map which shows the off-site watershed areas.
10. Description of an ownership and maintenance program, in a recordable form, that clearly sets forth the ownership and maintenance responsibilities for all temporary and permanent storm water management facilities, including the following:
 - a. Description of the method and extent of the maintenance requirements.
 - b. When maintained by a private entity, identification of an individual, corporation, association, or other entity responsible for ownership and maintenance.
 - c. When maintained by a private entity, a copy of the legally binding document, in recordable form, which provides that the Borough shall have the right to:
 - i. Inspect the facilities at any time.
 - ii. Require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action.
 - iii. Authorize maintenance to be done and lien the cost of the work against the properties of the private entity responsible for maintenance.
 - d. Establishment of suitable easements for access to storm water management facilities.

- V. An overall Grading Plan.
- W. A Landscaping Plan showing the type and location of all plantings, as required herein.
- X. Final Traffic Impact Study, where required.
- Y. Final Environmental Impact Assessment Report, where required.
- Z. Suitable documentation that the applicable plans are in conformity with ordinances and regulations governing the extension of utility services.
- AA. Whenever any improvements are proposed in connection with a subdivision or land development it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this Ordinance, as applicable.
- BB. Such other certificates, affidavits, endorsements, or dedications as may be required by the Borough Council in the enforcement of these regulations.

Section 603. As Condition of Recording a Final Plan

- A. An appropriately executed Land Development Agreement (See Appendix No. 17).
- B. Posting of all appropriately executed Financial Securities.
- C. Written notices of approval by outside agencies, if applicable:
 - 1. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
 - 2. When required, notification from the Schuylkill County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency:
 - 3. When applicable, notification from the Pennsylvania Department of Transportation (Penn DOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
- D. A controlling agreement when an application proposes to establish a street which is not offered for dedication to the public use.

Section 604. Requirements for Lot Annexation Plans, Natural Subdivision Plans, Lot Consolidation Plans and Revised Subdivision and/or Land Development Plans

Lot Annexation Plan, Natural Subdivision Plan, Lot Consolidation Plan and Revised Subdivision and/or Land Development Plan submittals shall contain the following requirements. Note: Revised Subdivision and Land Development Plans shall show all of the information included in the originally recorded and/or approved but not yet recorded Plan.

A. Drafting Standards.

1. Scale.

Plans shall be clearly and legibly drawn to a scale not smaller than 1" = 100'. The Borough Council may require final plans at a scale of 1" = 50' as a condition of preliminary approval to assure legibility in cases warranted by the complexity of the proposal.

2. Dimensions and Bearings.

The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.

3. Survey Closure.

The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

4. Sheets.

Plans shall be on sheet sizes no larger than 30" x 42." If the Plan requires more than one sheet, each sheet shall be numbered, and sheet layout index shall be provided.

5. Presentation.

Plans shall be presented in a clear, legible, coherent and organized manner.

B. Plan Information.

1. Location and Identification.

- a. The proposed project name and municipality or municipalities in which located.
- b. The name and address of the owner(s) of the tract (or an authorized agent), the developer/subdivider and the firm that prepared the plan.
- c. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- d. A north arrow, a graphic scale and a written scale.
- e. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- f. If the tract of land is located within 200 feet of a Borough or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
- g. The entire existing tract boundary with bearings and distances.
- h. The source of title (including the deed, lot and plan of record number) to the subject tract.
- i. The (tax) parcel identification number(s) for the subject tract.
- j. The appropriate designation: Lot Annexation Plan, Natural Subdivision Plan, Lot Consolidation Plan, Revised Subdivision Plan or Revised Land Development Plan.

2. Existing Features.

- a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- b. The following items when located within the subject tract:
 - (1) The location, name and dimensions of existing rights-of-way or easements relating to streets, cartways, driveways or service streets.

- (2) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (3) The location of buildings and other developed features.
 - c. The following items when located within two hundred (200) feet of the subject tract:
 - (1) The location and name of existing rights-of-way or easements relating to streets, cartways, driveways or service streets.
 - (2) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (3) The location of buildings and other developed features.
- 3. Additional Information.
 - a. The total acreage of the entire existing tract.
 - b. Building setback lines, with distances from the street centerline or street right-of-way line, whichever requirement is applicable under the zoning regulations.
 - c. Lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines.
 - d. The zoning district and lot size and/or density requirements of the applicable zoning regulations.
 - e. Location and material of all permanent monuments and lot line markers, including a note indicating when they will be set.
 - f. Identification of any modifications granted by the Borough Council, if applicable.

Section 605. Supporting Documentation - Lot Annexation Plans, Natural Subdivision Plans, Lot Consolidation Plans and Revised Subdivision and/or Land Development Plans

- A. Upon approval of the Plan by the Borough Planning and Zoning Commission and Borough Council, the following signatures in ink shall be placed directly on all copies of the plan submitted:
 - 1. The signature of the Chairman of the Borough Planning and Zoning Commission.
 - 2. The signatures of the President of Borough Council and the Borough Manager.
- B. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the plan that all other information shown on the plan is accurate.
- C. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the Landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said plan.
- D. Certificate of review by the Borough Planning and Zoning Commission.
- E. Certificate for approval by the Borough Council.
- F. Certificate of notification to be signed by the Schuylkill County Planning and Zoning Commission.
- G. Certificate to accommodate the Schuylkill County Recorder of Deeds information.
- H. A note to be placed on the plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
- I. PADEP code number referencing approval of the Plan Revision Module or documentation from PADEP that none is required.
- J. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
- K. Such other certificates, affidavits, endorsements, or dedications as may be required by the Borough Council in the enforcement of these regulations.

Section 606. Review Procedure

Final Plans, Lot Annexation Plans, Natural Subdivision Plans, Lot Consolidation Plans and Revised Subdivision and/or Land Development Plans shall be reviewed in accordance with the procedures and requirements of Article III of this Ordinance.

ARTICLE VII DESIGN AND CONSTRUCTION STANDARDS

Section 701. Application

The standards of design and construction in This Article shall be used to judge the adequacy of development proposals and shall be considered to be the minimum criteria in achieving the purpose and objectives of this Ordinance. In addition to the standards included herein, development proposals shall also comply with such construction and material specifications as are or shall be adopted by Borough Council.

Variations or modifications to these criteria may be granted by Borough Council in accordance with the provisions set forth in Article XIII of this Ordinance. Where questions should arise regarding the interpretation of these design standards, the determination of Borough Council shall prevail.

Section 702. General Standards

- A. Land. No land shall be subdivided or developed for any purposes unless reasonable hazards to life, health, or property from flood, fire and disease, shall have been eliminated or unless the plans for the project shall provide adequate safeguard against such hazards.
- B. Development. Proposed projects shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously and no development is to occur until a Building Permit is obtained from the Building Permit Officer.
- C. Natural and Historic Features. Reasonable measures shall be taken to ensure the preservation of natural and historic features, areas and structures as identified in the Orwigsburg Borough Comprehensive Plan to be worthy of such preservation and to ensure public access to such features, areas and structures where appropriate.
- D. Conformance with Comprehensive Plan. The layout or arrangement of the subdivision or land development shall conform to the Orwigsburg Borough Comprehensive Plan and any regulations or maps adopted in furtherance thereof.

Section 703. Streets

- A. Street Pattern. The proposed street pattern shall be integrated with existing and/or officially planned streets and it shall be related to topography to produce usable lots and reasonable street grades.

1. Streets in and bordering a subdivision or land development shall be coordinated and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and facilitate fire protection.
2. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to the boundaries of the tract to be subdivided.
3. Where a development is to be constructed in phases, the arrangement of streets in each phase shall make provisions for the proper projections of streets to the boundaries of the next phase.

B. Purpose. Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the following functional classification unless otherwise determined by the Board.

1. Arterial

This classification includes highways which provide connections between boroughs, larger villages, major resort areas and other traffic generators which develop substantial volumes of traffic and the average trip lengths are usually five miles or greater. Design features of facilities in this classification should permit high operating speeds.

2. Collector

This classification includes highways that provide connections with local access roads, arterials and State highways. They may serve a traffic corridor connecting villages, small boroughs, shipping points, mining and agricultural areas on an intra-county or Borough basis. Many trips destined to such points originate in widely diffused locations and a highway in this class function is considered a collector. Traffic volumes and trip lengths vary greatly depending upon size and distance between localities. Desirable operating speeds are between 40 and 50 miles per hour.

3. Local Access

This classification is intended to include streets that provide direct access to abutting land and includes connections from farms, individual residences and commercial properties to higher classes of roadways. Trip lengths are short and operating speeds are low. Spacing between roads of this classification and traffic volumes vary widely depending upon the intensity of land development and the distance to population centers. In

general, this classification includes all public roads which are not included in higher classifications.

4. Marginal Access

This classification is intended to include local access streets which are parallel to and adjacent to an arterial street and which provide access to abutting properties and protection from through traffic.

5. Alley and Service Drive

This classification is intended to include minor streets which provide secondary access to the back or side of properties abutting a street. These streets should be designed for operating speeds of 15 miles per hour or under.

6. Cul-de-Sac

This classification is intended to include streets which have a turn-around area at their termini. Standards presume light traffic at speeds under 25 miles per hour.

7. Dead End Street

This classification of street is prohibited unless designed as a permanent cul-de-sac.

C. Street Design Criteria.

Streets shall be designed in accordance with Guidelines for Design of Local Streets and Roads (Publication 70) of the Pennsylvania Department of Transportation and the following criteria, whichever is more stringent:

1. Streets shall be laid out according to the requirements shown in Table 1; however, additional street width may be required as determined by the Board to insure public safety and convenience in accordance with the purposes of this Ordinance.
2. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be required to meet the above standards.
3. Partial and Half Streets. The dedication of half streets at the perimeter of new subdivisions is prohibited.

4. Street Construction. Streets must be constructed to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by Borough Council. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Council. The pavement base, wearing surface, and shoulders must be constructed according to Borough specifications.

5. Curves - (Horizontal). Where connecting street lines deflect from each other at any one point, the line must be connected with a true, circular curve.

The minimum radius of the center line for the curve must be as shown in Table 1.

Straight portions of the street must be tangent to the beginning or end of curves.

6. Curves - (Vertical). Vertical curves shall be used in changes of grade when the algebraic difference exceeds one (1%) percent and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas in accordance with the minimum requirements of Publication 70, based on highway classification and speed limit.
7. Slope of Banks Along Streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:
 - a. One (1') foot of vertical measurement for three (3') feet of horizontal measurement for fills.
 - b. One (1') foot of vertical measurement for two (2') feet of horizontal measurement for cuts.
8. Crown. The slope of the crown on all streets shall be one-fourth inch (1/4") per foot.
9. Shoulders. Shoulders shall have a slope of one-half inch (1/2") per foot and shall be constructed of the same materials as the cartway.
10. Intersections. Intersections shall be designed in accordance with the criteria shown in Table 2, and the following:
 - a. Intersections involving the junction of more than two (2) streets are prohibited. Right angle intersections must be used wherever possible; however, in no case shall streets intersect at less than

seventy-five (75) degrees (measured on the center-lines of the streets).

TABLE 1

STREET DESIGN STANDARDS

Street Type	Arterials*	Collectors*	Local Access Streets	Cul-De-Sacs ²	Marginal Access	Service Drives
Minimum Right-of-Way Width	*	60'	50'	50'	35-50'	22'
Minimum Pavement Width	*	*	36' (c) 22' (nc)	36' (c) 22' (nc)	26' (c) 22' (nc)	18-22'
Maximum Grade	*	6% ³	8% ⁴	8% ⁴	8% ⁴	10% ⁴
Minimum Grade	0.75%	0.75%	0.75%	0.75%	0.75%	0.75%
Minimum Radius of Curve At Center Line ¹	500'	300'	200'	100'	100'	---
Minimum Tangent Length Between Curves	*	100'	---	---	---	---

(1) Where street lines deflect from each other more than 10 degrees.

(2) Cul-de-sac streets may not exceed 500 feet in length. They must be provided with a paved turn-around with a minimum diameter of one hundred (100) feet to the outside edge of pavement and one hundred twenty (120) feet to the legal right-of-way.

(c) Minimum width where curbs are to be installed.

(nc) Minimum width where curbs are not to be installed.

(3) May be increased by 1% for grades not more than 300' long.

(4) May be increased by 2% for grades not more than 150' long.

* Subject to Penn DOT review and concurrence.

TABLE 2

INTERSECTION DESIGN STANDARDS

Type Intersection	Arterial* With Arterial	Arterial* With Collector	Collector With Collector	Collector With Local Access	Local Access ¹ Local Access
Maximum Number of Intersecting Streets At Each Junction	2	2	2	2	2
Minimum Center Line Offset At Intersections Opening At Opposite Sides Of An Existing Or Proposed Street	*	400'	250'	125'	125'
Angle of Intersection Of Street Center Lines	90°	90°	90°	(Shall not deviate more than 15° from perpendicular)	
Length (ft) and Grade Of Approaches To Intersections Where General Grade Is 6% Or More	*	100/4%	75/4%	75/4%	50/4%
	(Measured from the Intersecting Cartway Lines)				
Minimum Radius Of Curbs At Intersection Of Streets	50'	50'	35'	35'	35'
Intersection Clear Sight Triangle - Each Center Line Leg	*	150'	75'	75'	75'

* Subject to Penn DOT review and concurrence.

(1) Marginal access streets have same requirements as local access streets

- b. Clear Sight Triangle. Proper sight lines must be maintained at all street intersections. Measured along the center line, there must be a clear sight triangle of seventy-five (75') feet (150 feet for Arterial streets) from the point of intersection of the two street lines, and no building or obstruction higher than thirty (30") inches above the grade of the center line of the streets shall be permitted in this area.
 - c. Maximum grade within any intersection shall not exceed four (4%) percent in any direction, and approaches to any intersection shall follow a straight course within one hundred (100'0") feet of the intersection.
- 11. Sight Distance. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. Sight distance at street intersections shall be such to provide the sight distance in accordance with current Penn DOT criteria.
 - a. Appendix No. 19 depicts stopping sight distance for selected speeds. The sight distances in Appendix No. 19 apply for roadway grades in whole numbers from +13% to -13% along with speeds from fifteen (15) to sixty (60) miles per hour in increments of five (5) miles per hour. The designer may use this table in lieu of the above formula.
 - b. Inadequate Sight Distance Remedies. If it is impossible to achieve required safe stopping sight distance in both directions the Borough may:
 - (1) Prohibit left turns by entering or exiting vehicles;
 - (2) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant;
 - (3) Require removal of physical obstruction from the line of sight, at the expense of the applicant;
 - (4) Require installation of a separate left turn standby lane; or
 - (5) Deny access to the roadway.
- 12. Alleys and Service Drives. The following standards shall apply to the design and location of alleys and service drives:
 - a. Alleys shall not be permitted in residential developments except by the permission of Borough Council. All buildings or other structures adjacent to any alley must comply with the side or rear yard setbacks

from the alley right-of-way line as included in the appropriate district regulations in the Zoning Ordinance.

b. Alleys or secondary service drives serving commercial and industrial establishments are required unless other provisions for service are provided.

c. No lots shall front on an alley.

13. Development Adjacent to Arterial Streets. Where a proposed land development abuts an existing or proposed arterial street, the Planning and Zoning Commission may recommend, and Borough Council may require use of marginal access streets, reverse frontage lots, or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the arterial street, and separate the local and through traffic.

D. Names of Streets.

Names of new streets shall not duplicate or approximate existing or platted street names or approximate such names by the use of suffixes as "lane", "way", "drive", "court", "avenue". In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.

E. Street Signs.

Street signs shall be placed at all intersections. Their design shall be in accordance with the Borough's specifications. The Borough shall provide the signs; however, the developer shall be responsible for the cost of all sign preparation and installation.

F. Private Streets.

No plan showing new development shall be approved if any such plan shows private streets or rights-of-way as the sole means of ingress or egress to said development.

In a planned development where several single or multiple unit dwelling structures exist and are permanently to remain (as noted on the plan and in the deed) under single ownership, private streets will be permitted, provided they conform to the design and construction standards of this Ordinance for public streets.

G. Street Construction Standards.

Street construction shall comply with the Borough's specifications for streets. (See

Section 704. Blocks and Lots

- A. General Layout. In general, the lengths, depths and shapes of blocks and lots must be determined with regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 2. Zoning requirements as to lot sizes, dimensions, yards and other open areas.
 3. Needs for convenient access, circulation, control and safety of street traffic.
 4. Limitations and opportunities of topography.
- B. Blocks.
1. Blocks shall not exceed twelve hundred (1,200') feet nor be less than five hundred (500') feet in length.
 2. Blocks shall be of sufficient depth to permit two (2) tiers of lots, except where reverse frontage lots are necessary or in the case of "cluster" layouts or other site-specific limitations.
 3. In non-residential areas, the block and lot layout must be designed with consideration of site conditions:
 - a. To permit the most efficient arrangement of space for present use and future expansion.
 - b. To permit adequate, safe worker and patron access, circulation and parking, as well as loading and unloading.
- C. Lot Size. The minimum lot size shall be as required by the Borough's Zoning Ordinance.
- D. Lot Area. Lot descriptions may read to street center lines, however lot areas as used herein shall not include any area within street right-of-way lines.
- E. Building Setback Lines. The building setback lines shall conform to the requirements of the Borough Zoning Ordinance.

- F. Lot Width. The minimum lot width shall be as required by the Borough Zoning Ordinance.
- G. Lot Frontage. The minimum lot frontage shall be as required by the Borough's Zoning Ordinance.
- H. Through Lots. Through lots are discouraged, except where desired along limited access highways or required due to the limitations of a specific site.
1. Reverse frontage lots adjacent to limited access highways must face on an interior street, and back on such thoroughfares. Where a lot is permitted to have reverse frontage, a landscaped screen shall be provided by the developer between the lot and the limited access highway.
 2. Access to all other through lots shall be limited to the street of lower classification.
- I. Lot Lines. Lot lines shall be approximately at right angles or radial to street lines so long as reasonably shaped lots result.
- J. Lot Access. Every lot shall have access off a street which shall be properly designed, improved, and constructed as required by this Ordinance. Lots in a subdivision or land development which are proposed to front upon an existing Borough or State road which is not improved to the standards set forth herein shall as a minimum comply with the right-of-way requirements of Section 703.
- K. Emergency Access Requirements. All subdivisions or land developments containing fifteen (15) or more dwelling units, or non-residential buildings containing fifteen thousand (15,000) or greater square feet of gross floor area shall be provided with at least two (2) separate and distinct means of access from existing public streets.
1. Access may be provided through the location of two (2) or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction.
 2. Access for a land development may be provided through two (2) or more driveways into the land development, each of which intersects with an existing public street. Such driveways shall be separated by a distance of at least one hundred fifty (150) feet and shall comply with all requirements of this and other applicable Borough ordinances.
 3. If the applicant is unable to provide access to the subdivision or land development through two (2) or more public or private streets each of which intersect with an existing public street or two (2) or more driveways

which intersect with one or more existing public streets, an emergency access shall be provided.

- a. The emergency access shall be improved so that emergency vehicles may safely transverse it and shall be indicated on the plans.
- b. The emergency access shall be acceptable to the providers of emergency services within the Borough. Applicants proposing to provide emergency access shall submit evidence of such approval.
- c. The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location that would otherwise be unsuitable for regular access with an existing public street.
- d. The emergency access may be located so that access is gained from an adjacent tract. For example, a subdivision or land development adjoining a parking lot of another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to such emergency access location.

- L. Street Address: Address numbers when applicable shall be assigned to each lot by the postal authority.

Section 705. Recreation Areas and Fees

The subdivider or developer of a residential subdivision or land development plan shall pay a fee for use by Borough Council for Borough recreational purposes or, at the option of Borough Council, provide a suitable and adequate recreation area, to serve the needs of the future occupants of the subdivision or land development. A Recreation Area Fee is not required for a single-family dwelling to be constructed on a single existing lot. For purposes of This Section the term "recreation area" shall mean a contiguous tract of land reserved exclusively for active or passive recreation. (Amended August 9, 2017)

- A. The fee shall be a fixed fee per lot as shown on the subdivision or land development plan, or a fixed fee per dwelling unit, whichever is greater. The amount of the fee to be charged shall, from time to time, be set and established by resolution of Borough Council.
- B. In the event that Borough Council deem it appropriate or desirable, they can, in lieu of the fees set forth above, require the subdivider or developer to provide a suitable and adequate recreation area within the proposed subdivision or land

development. If Borough Council chooses that option, then the subdivider or developer shall have the right to designate those lands which shall be set aside, subject to the following conditions:

1. The land set aside shall be suitable to serve the purpose of active or passive recreation by reason of its size, shape, location and topography, and shall be subject to the approval of the Planning and Zoning Commission and Borough Council.
 2. Single-Family In the case of a single-family subdivision, a minimum of five hundred (500) square feet per dwelling unit shall be set aside, excepting in the case of a lot containing an existing dwelling.
 3. Multi-Family In multi-family developments, a minimum of twenty (20) percent of the total land area being developed, excluding streets, wetlands and bodies of water.
 4. In the case of single-family subdivisions or land developments of less than three (3) lots, Borough Council shall only require payment of the fee, and shall not require the setting aside of land pursuant to This Subsection.
- C. The Applicant shall satisfy Borough Council that there are adequate provisions to assure retention and all future maintenance of such recreation area.
- D. In the event the Applicant does not wish to retain the required recreational area, such area may be offered for dedication to the Borough for public use. However, the selection and designation of the area to be designated shall be controlled by all of the terms and conditions set forth in this Section.
- E. Borough Council may find dedication to be impractical. In that event, then the developers shall either be required to maintain the recreational areas, or to pay the fee set forth in this Section, at the option of Borough Council. Any one or more of the following reasons may cause Borough Council to find dedication to be impractical:
1. Because of the size, shape, access, topography, drainage or other physical features of the land, such dedication would adversely affect the subdivision or land development and its future residents or occupants.
 2. There is no open space within the proposed subdivision which is practical for dedication because of its size, access, topography or other physical characteristics.
 3. Other related reasons.
- F. All fees and fines collected hereunder shall be administered by the Borough

pursuant to Article XIX of the Second Class Borough Code and related provisions, and shall be used by the board of Council for the acquisition and equipping of lands and buildings, the erection of buildings and equipment on lands, and the operation and maintenance of lands, buildings and equipment for recreational purposes, or for contribution to the operation or maintenance of recreational facilities within the Borough which are maintained by organizations other than the Borough, upon approval by Borough Council. The Fees obtained hereunder may be kept in a separate capital reserve fund established as provided by law for the purpose of recreation, and may be combined for investment purposes, but shall be used only for recreation related purposes as set forth herein.

Section 706. Monuments and Markers

A. Material and Size. Monuments and markers shall be constructed as follows:

	<u>Construction</u>	<u>Minimum Size</u>
Monument*	Concrete or Stone	6" x 6" x 30"
Marker	Iron Pipes or Iron or Steel Bars	24" x 3/4" dia.

* Monuments shall be marked on top with a copper or brass dowel.

B. Placement; Marking. Monuments and markers must be placed by a registered engineer or surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.

C. Monuments; Location of. Monuments must be set at --

1. one corner of a lot comprising a single lot subdivision, or at one predominant intersection of a street and a property line of a lot in a subdivision comprised of not more than 5 contiguous lots or parcels.
2. at least three predominant line intersections or line angles in subdivisions of more than 5 lots or parcels, and in any land development program. When any program of development and/or subdivision encompasses more than 20 acres, Borough Council and/or the Borough Engineer may require additional monuments at designated points.

3. such other points as may be required by the Borough Engineer and Borough Council when unusual conditions may create sight problems or cause unusual deviation from normal surveying practice.
- D. Markers; Location of. Markers must be set –
1. at the beginning and ending of curves along street property lines if not monumented.
 2. at points where lot lines intersect curves either front or rear.
 3. at angles in property lines of lots.
 4. at all other lot corners.
- E. Removal. Any monuments or markers that are removed must be replaced by a Professional Engineer or Professional Land Surveyor at the expense of the person removing them.

Section 707. Parking Areas

Off-street vehicular parking facilities for commercial, industrial, residential and other uses shall be in accordance with the provisions set forth in the Borough Zoning Ordinance. Except as otherwise regulated in the Zoning Ordinance, vehicular parking facilities for land uses other than single-family detached residences shall be designed according to the following provisions:

- A. Buffer planting shall be provided where parking compounds are adjacent to residential properties. The buffer planting shall be at least fifteen (15) feet wide and be installed in accordance with the provisions of applicable Borough ordinances. As an alternative to buffer planting, the Borough may approve ornamental fences, walls and/ or landscaped earth berms, with the width of the buffer area adjusted accordingly.
- B. Horizontal curves in a parking area shall have a minimum radius of four (4') feet.
- C. Parking areas shall be designed shall be designed to promote through traffic as opposed to dead ends. If dead end parking lots are approved by Borough Council, they shall be designed to provide a sufficient back-up area for end stalls. (Amended August 9, 2017)
- D. Painted lines, arrows and dividers shall be provided and maintained to control parking and, when necessary, to control vehicular circulation.

- E. Parking areas, main entrances and exits which are open to the public shall be lighted to a minimum of two (2) foot-candles at an elevation of three (3') feet above the pavement surface. Lighting design shall meet IESNA RP-20 in its latest version. (Amended August 9, 2017)
- F. Parking areas shall be provided with drainage facilities in accordance with the provisions of this Ordinance.
- G. Parking areas shall provide ample room to allow for snow removal.
- H. All parking compounds and driveways shall be paved to meet the following minimum standards. (Amended August 9, 2017)
 - 1. All material shall meet specifications per PennDOT Specifications, Form 408, and its latest revisions. Material design, delivery slips, material certifications and inspections shall all be provided per Form 408 (Pub 408).
 - 2. Crushed aggregate base course with a minimum thickness of six (6) inches,
 - 3. The bituminous base course shall consist of a minimum of two (2) inches of Superpave, HMA, Base Course
 - 4. The bituminous surface shall consist of a minimum of one and one-half (1-1/2) inches of Superpave HMA, Wearing Course, SRL-L.

Section 708. Driveways

The placement, relocation, re-pavement, or other substantial improvement to any driveway shall require a permit to be issued by the Borough, on such forms as are prescribed by the Borough, and shall require the payment at the time of application for the permit of a fee in such amount as shall be set by Borough Council.

All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway.

A. Location.

- 1. Access to the public highway or street shall be controlled in the interest of public safety. Off-street parking, loading, and service areas on all properties used for purposes other than single-family residences shall be physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip. Driveways shall be permitted at locations in which:

- a. Sight distance is adequate to safely allow each permitted movement to be made into or out of the driveway;
 - b. The driveway will not create a hazard;
 - c. The free movement of normal highway traffic is not impaired; and
 - d. The driveway will not create an area of undue traffic congestion on the highway
- 2. The general layout shall be such that there will be no need for motorists to back into public rights-of-way of collector or arterial streets.
 - 3. Driveways shall not be located at interchanges, ramp areas or locations that would interfere with the placement and proper functioning of highway signs, signals, detectors, lighting or other devices that affect traffic control.
 - 4. Access to a property which abuts two or more intersecting streets or highways may be restricted to only that roadway which can more safely accommodate its traffic.
 - 5. The Borough may require a permittee to locate a driveway directly across from a highway, local road or driveway on the opposite side of the roadway if it is judged that offset driveways will not permit left turns to be made safely or that driveway across the roadway from one driveway to the other will create a safety hazard.

B. Local Access Roads.

An access intended to serve more than three (3) properties or to act as a connecting link between two or more roadways is, for the purpose of this section, considered a "local access road" and not a driveway, regardless of its ownership. As such, its design must be in accordance with this Ordinance and any construction and materials specifications which are or shall be adopted by Borough Council.

C. Number of Driveways.

- 1. The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of Orwigsburg Borough.
- 2. Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a non-residential property. The number of driveways shall not exceed two (2) per lot on any one street frontage.

3. Borough Council, on the advice of the Planning and Zoning Commission, may grant permission for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

D. Approaches to Driveways.

Driveway approaches shall conform to the following standards:

1. The location and angle of a driveway approach in relation to the highway intersection shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum interference with highway traffic.
2. Where the driveway approach and highway meet, flaring of the approach may be necessary to allow safe, easy turning of vehicular traffic.
3. Where the highway is curbed, driveway approaches shall be installed one and one-half inches above the adjacent highway or gutter grade to maintain proper drainage.

E. Driveway Design Requirements.

1. General.

- a. The design features described in this section are to be used by the applicant in designing the driveway plans which accompany the application, in conjunction with such construction and materials specifications as are or shall be adopted by Borough Council.
- b. Driveway approaches used for two-way operation shall be positioned at right angles (i.e. 90 degrees) to the highway, or as near thereto as site conditions permit.
- c. When two driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle less than a right angle, but not less than forty-five (45) degrees to the highway.

2. Specific Design Requirements.

- a. Driveways shall not cross the street right-of-way lines:
 - (1) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are

joined by a curve. When deemed reasonably necessary for safety by the Planning and Zoning Commission, this dimension shall be increased for driveways to shopping centers, other commercial, industrial, public or institutional uses. Such driveways shall be located on major streets when practical, in a manner to permit safe ingress and egress.

(2) Within five (5) feet of a fire hydrant, catch basin or drain inlet.

(3) Within six (6) feet of another driveway.

(4) Within three (3) feet of a property line.

- b. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than ten (10') feet wide.
- c. Driveways for commercial and industrial uses shall be paved and shall not be less than eighteen (18) feet in width nor exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, excepting as increased by the curb radii.
- d. To the extent possible, driveways shall not enter onto or exit from arterial or collector streets.
- e. Driveways serving corner or through lots shall be located on the street having the lower classification.
- f. Multiple driveways serving the same property must be separated by a minimum distance of twelve (12) feet measured along the right-of-way line and eighteen (18) feet measured along the shoulder, ditch line or curb.

3. Curbing of Driveways.

- a. The permit may require the installation of curbing wherever it is required to control access or drainage, or both. All curb must be permanent concrete curbing, subject to the construction and material specifications as are or shall be adopted by Borough Council.
- b. Where the property abutting the right-of-way line could be used as a parking area, the permit may require curbing, permanent guardrail or fencing to be constructed along the right-of-way line in order to prohibit vehicle encroachment upon the sidewalk or shoulder area.

- c. When curb exists adjacent to the proposed driveway, the line and grade of the existing curb shall be matched, unless otherwise authorized by the permit.

4. Sight Distance.

- a. Driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance set forth in such construction and material specifications as are or shall be adopted by Borough Council.
- b. If sight distance requirements as specified in this section cannot be met, the Borough may:
 - (1) Prohibit left turns by exiting vehicles;
 - (2) Restrict turning movements to right turns in and out of a driveway;
 - (3) Require installation of a right turn acceleration lane or deceleration lane;
 - (4) Require installation of a separate left turn standby lane;
 - (5) Alter the horizontal or vertical geometry of the roadway; or
 - (6) Deny access to the highway.

5. Grade of Driveways.

- a. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
- b. Where a drainage ditch or swale exists, the permittee shall install adequate pipe under the driveway. Drainage pipe installed under driveways shall be compatible with field conditions and as approved by Orwigsburg Borough and the Borough Engineer.
- c. The side slopes of driveway embankments and the grade requirements in uncurbed shoulders within the right-of-way shall conform with such construction and material specifications as are or shall be adopted by Borough Council.

Section 709. Sidewalks

- A. Requirements. Sidewalks are required along the property Right-of-Way for all proposed subdivision and land development projects in Orwigsburg Borough. (Amended August 9, 2017)
- B. All sidewalks shall be constructed with a minimum width of five (5) feet and a thickness of four inches, except at driveway crossings where the sidewalk thickness shall be increased to six inches with reinforcement. The Council may require wider pavements in high-density areas and in commercial areas. The location of sidewalks relative to planting strips shall be at the discretion of the Council.
- C. Sidewalks shall be constructed of Class A cement concrete (with a minimum twenty-eight-day strength of 3,000 pounds per square inch), reinforced with steel mesh of six-by-six-by-fourteen gauge or, upon approval of the Borough, by the use of fiberglass- reinforced concrete, upon a properly prepared subgrade of four inches of AASHTO No. 57 crushed stone. The sidewalks shall be constructed by pouring concrete in separate slabs 10 feet in length. The slabs shall be completely separated by a one-fourth-inch expansion joint and scored every five feet. A grass planting strip shall be provided between the curb and sidewalk. (See Appendix No. 20). Monolithic curbs and sidewalks are not allowed.
- D. All sidewalks and pedestrian walkways contained within a subdivision or land development plan, whether existing or to be constructed, repaired, replaced or rehabilitated, shall provide for handicap accessibility in accordance with all federal, state and local laws and ordinances.
- E. Alternate sidewalk routes and/or surface materials (bituminous) may be presented to Borough Council for consideration. Each individual project will be evaluated on a case by case basis to determine applicability for usage. (Amended August 9, 2017)

Section 710. Curbing

- A. Requirements. Curbs are required along the property Right-of-Way for all proposed subdivision and land development projects in Orwigsburg Borough. Curbing is required along all existing and proposed streets (and Right of Way). (Amended August 9, 2017)
- B. In areas where curbing is not required, suitable gutters shall be designed and installed subject to Borough approval to control erosion. If curbs are to be installed, the pavement shall extend from curb to curb.
- C. All curbing shall be designed and constructed in accordance with the Borough's

specifications for curb and sidewalks, as amended. (See Appendix No. 20).

Section 711. Street Lights and Illumination (Amended August 9, 2017)

- A. A street lighting system shall be installed on all projects. Any such required system shall be designed and constructed as approved by Borough Council and the applicable utility company. At a minimum, the lighting design shall meet the standard set forth in the IESNA RP-8 or the AASHTO Roadway Lighting Design guide.
- B. An illumination plan shall be provided which details the types of lights and illumination pattern for the proposed land development and adjacent properties.
- C. On-site illumination or floodlighting shall conform to the requirements of the Orwigsburg Borough Zoning Ordinance.

Section 712. Sewers and Water

- A. Orwigsburg Borough shall have the responsibility to ensure that all requirements of this Ordinance that pertain to public water and/or sanitary sewerage facilities are complied with.
- B. Sewerage Facilities - Standards and Permits.
 - 1. Wherever possible, all properties shall be connected to a municipal sanitary sewer system as required by Orwigsburg Borough ordinance. The minimum sewerage facility that shall be provided for any dwelling, building, commercial or industrial enterprise shall be of materials, design and function in accordance with standards and regulations as determined by PADEP.
 - 2. Where a public sewerage system is within one thousand (1,000) feet of, or where the Borough's Official Sewage Plan (Act 537) provides for the installation of such public sewerage facilities within five (5) years, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the existing or proposed public sewerage system if, in the Council' opinion, it is feasible. The design and installation shall be in accordance with Subsection 3 below and other applicable Borough specifications.
 - 3. In addition to satisfying all requirements under Subsections 1 and 2 above, the subdivider or developer shall provide the subdivision or development with a complete sanitary collection system, including a collector main installed in the street bed or approved right-of-way and laterals installed

from the collector main to the building line. The collector main shall be of a material and design approved by the Borough and shall conform in all respects to the standards and requirements as published in the Sewage Manual by PADEP. Where the potential exists for future extension of service beyond the proposed subdivision or land development, the developer may be required by the Borough to install oversized facilities to accommodate such future growth. The lateral to the building line shall be of a material and design approved by the Borough and for residences shall be of a minimum inside diameter of six (6) inches between the collector main and the right-of-way line of the street or highway. Laterals for buildings other than single family residences shall be commensurately larger and as approved by the Borough Engineer. The sewage collector mains and laterals shall be plugged water tight pending connection with a public sewer system. All sewage collector mains and laterals shall be designed and inspected by the Borough Engineer at the cost and expense of the subdivider or developer.

4. Where the installation of a sanitary sewer system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the "Rules and Regulations of PADEP.
5. Unless otherwise provided in the Pennsylvania Sewage Facilities Act and regulations thereunder, all installations of sewerage facilities within the Borough shall be in accordance with a permit issued by the Borough.
6. The subdivider or developer shall also provide at his expense the information and sufficient number of copies to properly amend the Borough's Sewage Facilities (Act 537) Plan in accordance with the requirements of PADEP. This amendment shall be required for either sub-surface disposal units or sewer installations.
7. Upon proper cause, the Council, at an open meeting, may waive, modify, alter or suspend the requirement of Subparagraph 3.

C. Water Facilities - Standards and Permits.

1. Wherever possible, all properties shall be connected to a municipal water supply system as required by Orwigsburg Borough ordinance.
2. Where a water main supply system is within one thousand (1,000) feet of, or where plans approved by the Borough provide for the installation of such public water facilities, the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or

proposed water main supply system if, in Borough Council's opinion, it is feasible. The design and installation shall be in accordance with Borough specifications or the requirements of the agency or entity having jurisdiction as a condition of Borough approval. Proof that the supplier is capable of providing the proposed development with an adequate supply of safe drinking water is required as part of supporting documentation for the Final Plan.

3. Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved when applicable by PADEP, as to source, installation, and quality of water.
 4. Fire hydrants shall be installed as an integral part of any common water system; placement of hydrants shall be as required by the agency supplying water. Fire hydrants shall be located so that the distance from any building frontage to a fire hydrant is not more than 600 feet measured along the curb.
- D. Installation of all sewers, water mains, street lights, manholes and other utilities shall be in strict accordance with the engineering standards and specifications of the Borough or other public utility concerned.
- E. Following the installation of any public water distribution system, and/or the sewer collection system(s), the applicant shall provide the Borough with as-built drawings showing the location and depth of all water lines, valves, appurtenances, and the size, location, length and depth of all sanitary sewer lines including house lateral locations. All descriptions and drawings shall include bearings and distances. The as-built plans shall be prepared by a Professional Engineer or Professional Land Surveyor.

Section 713. Stormwater Drainage

- A. Stormwater Drainage Facilities. Facilities to accommodate stormwater drainage as a result of the proposed development of any tract of land under this Ordinance, must conform to the requirements of the Orwigsburg Borough Storm Water Management and Earth Disturbance Ordinance, as well as any construction and materials specifications as are or shall be adopted by Borough Council,
- B. Existing Drainage Ways: Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially to the line of such water course, drainage way, channel or stream. The easement to be provided shall be not less than twenty (20) feet wide, or of such greater width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving

or protecting such drainage facilities, or for the purpose of installing a storm water sewer.

Section 714. Flood Plain Area Regulations

- A. General Provisions. The Flood Hazard District shall encompass all lands and land developments within the Borough of Orwigsburg which are located within the boundary of a flood plain area as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated March 2, 1989, (or the most recent revision thereof), which map is incorporated herein by reference.
- B. Conformance with other Regulations. Uses permitted and procedures to follow for development in the Flood Hazard District are presented in Borough of Orwigsburg Ordinance No. 284, as amended. Said Ordinance supplements other articles of this Ordinance and the Borough of Orwigsburg Zoning Ordinance. To the extent that Ordinance No. 284 imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of Said Ordinance are more restrictive, it shall be deemed and interpreted to control other provisions of This Subdivision and Land Development Ordinance and the Borough of Orwigsburg Zoning Ordinance.

Section 715. Utility Easements and Utility Line Installation

- A. Width; Location. When easements are required for any utility serving a subdivision or land development, they must be a minimum of twenty (20) feet wide and must, to the fullest extent possible, be adjacent to, or centered on, rear or side lot lines.
- B. Natural Gas Lines. All-natural gas lines must be installed in compliance with the ASA Code B31, 80 1958, as amended. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.
- C. Petroleum Lines. Between a proposed dwelling unit or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision or land development, there must be a minimum distance of 100 feet measured in the shortest distance.
- D. Electric, telephone and television transmission lines shall be placed under ground, except where determined by Borough Council not to be feasible. Where such lines are not placed underground, said lines shall be placed along rear lot lines to the fullest extent possible.

Section 716. Signs, Storage Areas and Structure Orientation

- A. Signs. Moderation in respect to the style, size and frequency of signs is recommended. (See Borough Zoning Regulations pertaining to signs.)
- B. Storage Areas.
 - 1. Outdoor storage areas of any type should be located to the rear of structures and should be screened by natural vegetation or fencing, in accordance with the requirements of the Zoning Ordinance.
 - 2. In group developments, it is recommended that remote, screened storage areas be provided for items infrequently used, such as recreation vehicles, etc.
- C. Structure Orientation.
 - 1. Structures should be grouped whenever possible so as to provide larger, more usable open space without decreasing the overall density of development.
 - 2. Extra building setbacks are recommended at all street intersections in order to increase sight distances and to make the presence of an intersection more apparent.
 - 3. Insofar as possible commercial structures should be relatively central in respect to their parking areas in order to minimize required walking distance for safety and convenience. Protected pedestrian accessways shall be provided in commercial developments adjacent to residential neighborhoods.

Section 717. Traffic Impact Studies

- A. Purpose. To provide Borough Council with an opportunity:
 - 1. To identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities to provide access to and from and through the site in light of the character and volume of traffic expected to be generated by the proposed subdivision and/or land development;
 - 2. To delineate solutions to such problems, or facilities including the prescription of improvements to be provided by or at the expense of Applicant.

- B. When Required. A transportation impact study shall be submitted regarding subdivisions and land developments which meet the following criteria:
1. Residential -- Involving 10 or more dwelling units
 2. Commercial -- Involving 10,000 or more feet of gross floor space;
 3. Industrial -- Involving 25,000 or more square feet of gross floor space;
 4. Other -- Whenever the Planning and Zoning Commission or Borough Council shall find that there is a reasonable ground to believe that the existing transportation network may be inadequate to handle the volume or character of traffic likely to result from the proposed subdivision or land development.
- C. By Whom Prepared. The study shall be prepared by a qualified traffic engineer and/or transportation planner who shall be mutually agreed upon by the developer and the Borough. The study preparer shall have sufficient, documented prior traffic study experience to qualify him to perform the study and render any opinions and recommendations set forth therein. The cost to prepare the study will be borne entirely by the developer. The Traffic Impact Study report shall be certified as correct by the preparer.
- D. Contents. The study shall contain information, analyses and conclusions regarding the following:
1. General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socio-economic characteristics of potential site uses to the extent that they may affect the transportation needs of the site (i.e. number of senior citizens).
 2. Transportation Facilities Description.
 - a. Proposed Internal Transportation System.

This description shall show proposed vehicular, bicycle and pedestrian circulation, all proposed ingress and egress location, all existing or proposed internal roadway including the widths of paved cartways and rights-of-way, parking conditions, traffic channelizations and any other traffic signals or other intersection

control devices, within or near the site of the subdivision or land development.

b. External Transportation System.

This report shall describe the entire external roadway system within the study area of the proposed subdivision or land development. Major intersections in the study area shall be identified and sketched.

All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation. Any proposed roadway improvements resulting from proposed surrounding developments shall also be recorded.

c. Existing Traffic Conditions.

Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) traffic shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s) and documentation shall be included in the report. A volume capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand.

d. Transportation Impact.

Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). In the case of existing facilities, vehicular trip generation rates to be used for this calculation shall be based on existing data. In the case of new development, vehicular trip generation rates to be used for this calculation shall be obtained from Trip Generation Rates Tables found in the latest edition of the Institute of Transportation Engineers Trip Generation Manual. These development-generated traffic volumes shall be provided for the in-bound and out-bound traffic movements as estimated, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated

volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area.

Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.

e. Conclusions and Recommended Improvements.

Levels of service for all roadways and intersections shall be listed. All roadways and/or intersections showing a level of service below D for signalized intersections and below E for unsignalized intersections shall be considered deficient and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown on the preliminary plan. Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis based on the guidelines contained in any studies by the Schuylkill County Planning and Zoning Commission shall be undertaken to indicate whether or not future public transportation service should be provided to the development. The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.

3. Modified Study.

Whenever a study is required solely because of the findings of the Planning and Zoning Commission or Borough Council as provided in subsection B. 4. above, or if Borough Council shall conclude after a developer request for modification of requirements under This Section, that certain of the required information, analyses or conclusions are unnecessary for an identification of the traffic problems or finding solutions therefore, Borough Council shall delineate the scope and contents of the study so as to include only those matters it deems appropriate to aid in the

identification and solution of the problems envisaged.

Section 718. Environmental Impact Assessment Report

- A. Purpose. In order to provide Borough Council with an opportunity to more effectively evaluate subdivision and/or land development proposals, the applicant shall be required to disclose the environmental consequences or effects of such proposals through the submission of an Environmental Impact Assessment (EIA) report.
- B. When Required. An EIA report shall be submitted with the Preliminary Plan for subdivisions and land developments which meet the following criteria:
1. Residential -- Involving 25 or more dwelling units
 2. Commercial -- Involving 25,000 or more feet of gross floor space;
 3. Industrial -- Involving any new construction;
 4. Other -- Whenever the Planning and Zoning Commission or Borough Council shall find that there is a reasonable ground to believe that an adverse environmental impact is likely to result from the proposed subdivision or land development.

An undated EIA report shall accompany and form a part of the Final Plan for any of the above.

- C. By Whom Prepared. The study shall be prepared by a qualified consultant who shall be mutually agreed upon by the developer and the Borough. The study preparer shall have sufficient, documented prior environmental study experience to qualify him to perform the study and render any opinions and recommendations set forth therein. The cost to prepare the study will be borne entirely by the developer. The EIA report shall be certified as correct by the preparer.
- D. Contents. Twelve (12) copies of the EIA report shall be submitted in accordance with the format and content specified below. Within the EIA report, specific emphasis shall be directed toward the proposed project's effects on and relationship to applicable site, neighborhood (including areas in adjacent municipalities where applicable) and Borough-wide resources, conditions or characteristics. Where required information is contained in other Plans and supporting documentation, said information can be cited by reference to said plans and supporting documentation. The EIA report shall include text, tables, maps and analyses for the purpose of describing the project site, proposed use(s), environmental characteristics and the environmental effects of the proposal as follows:

1. An identification of the site location and area through the use of a location map drawn at a scale of not more than two thousand feet (2000') to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within three thousand (3000') feet of any part of the tract. In the case of development of a section of the entire tract, the location map shall also show the relationship of the section to the entire tract.
2. An identification of the site character and appearance through the presentation of black and white photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from the ground. Photographs should be properly identified or captioned and shall be keyed to a map of the site.
3. An identification of the nature of the proposals through the presentation of the following:
 - a. A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not more than one hundred feet (100') to the inch and may be submitted as an attachment to the report. The plan shall reflect all the information required for a Preliminary Plan.
 - b. Plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) of buildings and/ or other structures.
 - c. A statement indicating the existing and proposed ownership of the tract and where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
 - d. A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
4. An identification of physical resources associated with the natural environment of the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative and quantitative aspects of each of the resources mentioned above. In addition, these resources shall

be mapped at a scale of not more than one hundred feet (100') to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.

- a. A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures.
 - b. A map depicting the topographical characteristics of the tract. Such map shall contain contours with at least two (2) foot intervals; and, shall depict slopes from zero to four (0 - 4) percent, four to ten (4 - 10) percent, ten to fifteen (10 - 15) percent, fifteen to twenty-five (15 - 25) percent, and greater than twenty-five (25) percent.
 - c. A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed subdivision and/or land development such as depth of bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields.
 - d. A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watersheds and flood plains, and groundwater resources. Surface water resources include features such as creeks, runs and other streams, ponds, other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.
5. An identification of biological resources associated with the natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. Any protected and/or endangered species shall be noted. In addition, these resources shall be mapped at a scale of not more than one hundred feet (100') to the inch, as specified below; and, may be either incorporated into the EIA report or submitted as attachments to the report.
- a. A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the wooded areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees twelve (12) inches in caliper or greater, shall be accurately located on the map either as free-standing trees or as tree masses.

- b. A map depicting characteristics associated with wildlife habitats. Such map may draw upon the vegetation, hydrology and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s).
- 6. An identification of the land use conditions and characteristics associated with the tract such as: current and past use, land cover, and encumbrances; and, the relationship of these too adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale of not more than one hundred (100') feet to the inch, unless otherwise noted, shall be incorporated into the EIA report or submitted as attachments to it:
 - a. A map depicting the land cover characteristics of the tract. Such map shall define existing features including: paved or other impervious surfaces, wooded areas, cultivated areas, pasture, old fields, lawns and landscaped areas and the like.
 - b. A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.
 - c. A map depicting the land uses adjacent to the proposed tract. Such map may be at the same scale as the location map.
- 7. An identification of the historic resources associated with the tract such as areas, structures and/or routes and trails which are significant. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places and the Historic American Building Survey, those identified in the Comprehensive Plan and any structure erected prior to 1890 shall be identified. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale of not more than one hundred feet (100') to the inch depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- 8. An identification of the visual resources associated with the tract such as areas which have a particular amenity value and areas which offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not more than one hundred feet (100') to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.

9. An identification of the community facility needs associated with the user and/or resident of the proposed subdivision and/or land development. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals, and other health care facilities, fire protection, police protection, ambulance, and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the lots and/or tract and the need for additional or expanded community facilities.
10. An identification of the utility needs associated with the user and/or resident of the proposed subdivision and/or land development. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of the future users and/or residents of the lots and/or tract; the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed; and the ability to achieve an adequate system for storm drainage and stormwater management.
11. An identification of the relationship of the transportation and circulation system needs of the proposed subdivision and/or land development to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and, expected traffic volumes generated from the subdivision and/or land development including their relationship to existing traffic volumes on existing streets for both peak-hour and nonpeak-hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed subdivision and/or land development and what improvements are proposed to remedy any physical deficiencies.
12. An identification of the anticipated population characteristics related to the proposed subdivision and/or land development. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents of the lot and/or tract including information such as the number of people expected. Such information shall be related to initial and completed subdivision and/or land development conditions.
13. An identification of the economic and fiscal characteristics related to the proposed subdivision and/or land development. The characteristics which

shall be presented in narrative form shall include a profile of the Borough, county and school district revenues which the proposal may generate, and the Borough, county and school district costs it may create. Such information shall be related to initial and completed subdivision and land development conditions.

14. An identification of characteristics and conditions associated with existing, construction related, and future air and water quality, light and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
15. The implications of the proposed subdivision and land development in terms of: the type of beneficial or adverse effects which may result from it; and, the duration of these effects in terms of their short-term or long-term nature. To indicate such effects, there shall be a discussion of the implications of the proposed subdivision and/or land development to the resources, conditions and characteristics described in subsections (4) through (14) above. In addition to a narrative presentation of implications, the applicant shall display where the subdivision and/or land development adversely affects the tract's resources, conditions or characteristics through the use of a map drawn at a scale of not more than one hundred feet (100') to the inch, wherein the areas adversely affected from proposed development are highlighted. Such map may be either incorporated into the EIA report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EIA report how and where the findings in the EIA report and its attachments are reflected in the subdivision and/or land development plan.
16. Alternatives to the proposed subdivision and/or land development. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on how alternatives such as: revised location, redesign, layout or siting of buildings, roads and other structures, alternate methods for sewage disposal and water supply, reduction in the size of proposed structures or number of structures, and the like would preclude, reduce or lessen potential adverse impact or produce beneficial effects.
17. Probable adverse effects which cannot be precluded. In indicating such effects, a discussion shall be presented regarding whether they will have primary or secondary implications, that is, whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.
18. Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of

remedial, protective and mitigative measures described in narrative form. These resources shall include those required through existing procedures and standards, and those unique to a specific project, as follows:

- a. Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county and/or Borough for remedial or protective action such as: sedimentation and erosion control, storm water runoff control, water quality control, air quality control, and the like.
 - b. Mitigation measures related to impacts which may be unique to a specific subdivision and/or land development are those related to efforts such as: revegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses, land acquisition, and the like.
19. Any irreversible environmental changes which would occur due to the proposed subdivision and/or land development should it be implemented. To indicate such changes, the use of non-renewable resources during the initial and continued phases of the subdivision and/or land development shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.
- D. In making its evaluation, Borough Council and/or the Planning and Zoning Commission may request any additional information it deems necessary to adequately assess potential environmental impacts. Further, whenever any information requested in subsection c. above is not applicable to the proposed subdivision and/or land development, Borough Council may waive any or all of the requirements to address such information upon a finding of such inapplicability.

A written request for a modification shall be made by the applicant and shall be submitted at the time when a Sketch Plan or an application for subdivision and/or land development is made.

ARTICLE VIII MOBILE HOME PARK REGULATIONS

In addition to the rules, regulations, standards and procedures established in other sections of this Ordinance, the following shall also apply to mobile home parks:

Section 801. General

The basic requirements of this Ordinance may be modified in the design and development of mobile home parks to the extent of and in accordance with the minimum standards set forth hereunder.

Section 802. Zoning Compliance

All mobile home park approvals under this Ordinance shall be subject to compliance with all related provisions of the Orwigsburg Borough Zoning Ordinance, including applications, permits, and fee requirements set forth therein.

Section 803. Permits

A. Permits Required.

It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the limits of the Borough unless he holds a valid permit issued by the Borough in the name of such person.

B. Application to the Borough.

Each applicant shall submit an application to the Zoning Officer using a form furnished by such officer, for a permit to operate a mobile home park in the Borough.

C. Renewal Permits.

1. Renewal permits shall be issued by Borough Council upon furnishing proof by applicant that his park continued to meet the standards prescribed by the Department of Environmental Protection and this Ordinance.
2. A representative of Borough Council may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance.

3. The permit shall be conspicuously posted, in the office or on the premises of the mobile home park at all times.

D. Compliance of Existing Mobile Home Parks.

1. Mobile Home parks in existence at the date of adoption of this Ordinance and being duly authorized to operate as same may be continued so long as they otherwise remain lawful.
2. Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park permit as required under Section 803 of this Ordinance.
3. Any subsequent new construction, alteration or extension of an existing mobile home park shall comply with the provisions of this Ordinance.
4. Any existing mobile home park which in the opinion of Borough Council creates a fire or health hazard shall be required to comply with this Ordinance within a reasonable period of time as determined by Borough Council.

E. Individual Mobile Homes.

1. Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home park permit, however, they shall be required to obtain a building permit as prescribed by the Orwigsburg Borough Zoning Ordinance.
2. Individual mobile homes shall comply with all other applicable ordinances and regulations that govern single-family homes in the Borough,

Section 804. Fees

Borough Council shall set fees, payable in advance, for the following related to mobile home parks:

- A. The initial permit fee.
- B. The annual renewal permit fee for each mobile home park.
- C. The fee for transfer of a permit.
- D. A fee when a reinspection for non-compliance is made.

Such fees shall be based upon a schedule adopted by Resolution of Borough Council upon enactment of this Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Borough Office.

Section 805. Application for Approval of Mobile home Parks

Applications for approval of mobile home parks shall be filed and reviewed in the same manner as for subdivision and land development plans.

Section 806. Design Standards and Required Improvements

In addition to the other referenced requirements, the following shall apply:

A. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and wellbeing of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to the pertinent utilities.

B. Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to predictable sudden flooding, or erosion shall be used for any purpose which would expose persons or property to hazards.

C. Soil and Ground Cover Requirements.

Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

Park grounds shall be maintained free of vegetative growth which is poisonous, or which may harbor rodents, insects, or other pests harmful to man.

D. Dimensional Requirements, Setbacks, Recreation Areas and Screening.

1. All mobile homes shall be occupied for living purposes only and shall have a minimum length (outside dimension) of forty (40) feet and a minimum habitable floor area of four hundred (400) feet.
2. Each mobile home lot shall contain at least five thousand (5000) square feet of area with a frontage width of not less than fifty (50) feet exclusive of easements.

3. Lots for "double-wide" mobile homes shall have a minimum lot area of 7500 square feet.
4. Mobile homes shall be located at least fifty (50) feet from any park property boundary line abutting upon a public street or highway right-of-way and at least fifteen (15) feet from other park property boundary lines.
5. There shall be a minimum distance of 11 feet between an individual mobile home, including accessory structures, and adjoining pavement of a park street, or common parking area or other common areas.
6. Mobile homes shall be separated from each other and from service buildings and other structures by at least 30 feet; provided that mobile homes placed end-to-end may have a clearance of 20 feet where opposing rear walls are staggered. An accessory structure which has a horizontal area extending 25 square feet shall, for purposes of this separation requirement, be considered to be part of the mobile home.
7. Generally, mobile home stands should be diagonal to the street at an angle of 30 degrees from perpendicular.
8. The minimum depth of each mobile home lot shall be not less than thirty (30) percent longer than the mobile home.
9. The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery, and the minimum slope in any direction shall be one (1) percent.
10. All lots shall be individually numbered.
11. The limits of each stand shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans.
12. A common recreation area or areas shall be provided in the mobile home park, centrally located, and of an area not less than the total of mobile home stands multiplied by four hundred (400) square feet per home. Recreation areas shall be planned in the layout with dimensions such that the average length shall not exceed twice the average width.
13. Screening of evergreen plantings, not less than six feet high, shall be provided by the Owner along all property and street boundaries of a mobile home park.

E. Streets.

The general requirements and design standards for street layout, street design, exits and entrances, and street names shall be in accordance with the Design Requirements in Article VII of this Ordinance.

F. Curbs and Sidewalks.

Curbs and sidewalks shall be provided and constructed according to the basic standards of this Ordinance.

G. Permanent Foundation.

All mobile homes shall be placed on a permanent foundation of cement, cement and cinder block, or stone which foundation totally encloses the base of said mobile home.

H. Driveways.

Paved driveways shall be provided on lots for convenient access to mobile homes. The minimum width shall be 10 feet.

I. Off-Street Parking.

The design criteria for automobile parking shall be based upon two off-street parking spaces for each mobile home lot.

J. Lighting.

Lighting shall be designed to produce a minimum of 0.1 foot-candle throughout the street system with a uniformity of not more than 4:1 average to minimum. Potentially hazardous locations, such as major street intersections and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 foot-candle. (Amended August 9, 2017)

Section 807. Water Supply and Distribution System

A. General Requirements.

All individual mobile homes shall be connected to the municipal water system of the Borough of Orwigsburg. All connections to said municipal water system must be made in accordance with the rules, regulations and ordinances of the Borough. Fire hydrants shall be provided in accordance with the requirements of this Ordinance and any other regulations as may be adopted by Borough Council.

B. Individual Water Riser Pipes and Connections.

1. Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
2. The water riser pipe shall have a minimum inside diameter of 3/4 inches and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the stand.
3. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipes.
4. A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home stand. Underground stop and waste valves are prohibited unless their types of manufacture and their method of installation are approved by Borough Council.

Section 808. Sewage Collection and Disposal

- A. An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Wherever feasible, connection shall be made to a public system. All new improvements shall be designed, constructed and maintained in accordance with the Department of Environmental Protection regulations. All connections to the sanitary sewer system must be made in accordance with and subject to the rules, regulations, uses and fees and charges set forth and contained in the ordinances of the Borough of Orwigsburg.
- B. In the event the sewer is not feasibly available or accessible, then the said mobile home must be served by an on-lot sewage disposal system designed and installed in accordance with the regulations of the Pennsylvania Department of Environmental Protection.
- C. Each mobile home stand shall be provided with a four-inch diameter sewer riser pipe. The sewer riser pipe shall be located in vertical line with the mobile home drain outlet.

Section 809. Solid Waste Disposal System

- A. The storage, collection and disposal of refuse in every mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- B. Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- C. Refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be located not more than 150 feet away from any home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- D. The burning upon the premises of any paper, boxes, garbage, leaves or other disposable material is prohibited.
- E. Refuse containing garbage shall be collected once weekly. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

Section 810. Electrical Distribution System

A. General Requirements.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications and approvals regulating such systems.

B. Power Distribution Lines.

Main power lines not located underground shall be suspended at least 10 feet above the ground. There shall be a minimum horizontal clearance of three feet between overhead wiring and any mobile home, service building or other structure.

All direct burial conductors or cable shall be buried at least 12 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one-foot radial distance from water, sewer, gas, or communications lines.

C. Individual Electrical Connections.

Each stand shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 110/240 volts AC, 100 amperes.

The mobile home shall be connected to the outlet receptacle by an approved power supply assembly and permanent wiring method.

D. Required Grounding.

All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

Section 811. Gas Distribution System

- A. Gas supply systems where available for a mobile home park, shall comply with the provisions of the State regulations governing equipment, installation, volume of supply, shut off valves, connectors, mechanical protection and location of equipment.

Section 812. Fuel Oil Distribution Systems

- A. Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Piping installed below ground shall have a minimum earth cover of 12 inches.
- B. Piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
- C. Fuel oil storage tanks or cylinders shall be installed underground and not located inside or beneath any mobile home or accessory structure, or less than five feet from any mobile home exit.
- D. Every tank shall be vented by a vent not less than 12 inches iron pipe size, so designed and installed to prevent entrance of rain or debris.
- E. A shutoff valve located immediately adjacent to the gravity feed connection of a tank shall be installed in the supply line to the mobile home.
- F. Fuel oil connectors from the tank of the mobile home shall be brass or copper tubing or approved flexible metal hose, not smaller than 3/8-inch iron pipe size or

tubing and shall be protected from physical damage. Aluminum tubing shall not be used.

- G. Valves and connectors shall be listed standard fittings-maintained liquid-tight to prevent spillage of fuel oil on the ground.

Section 813. Fuel Supply and Storage

- A. Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 25 or more than 100 pounds LP-Gas capacity.
- B. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
- C. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home.

Section 814. Telephone and Television

- A. When telephone service to mobile home lots is provided, the distribution systems shall be underground.
- B. Where central television antenna systems are to be installed as part of the property to be covered by mortgage insurance, a warranty shall be obtained to assure satisfactory service. Distribution to lots shall be underground and in general afford with the placement of the electrical distribution system.

Section 815. Service Building and other Community Facilities

A. General.

The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:

1. Management offices, repair shops and storage areas.
2. Sanitary facilities.
3. Laundry facilities.
4. Indoor recreation areas.

5. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

B. Community Sanitary Facilities.

Every mobile home park shall be provided with the following emergency sanitary facilities: For each 100 lots, or fractional part thereof, there shall be one flush toilet and one lavatory. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.

C. Permanent Buildings.

The structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

D. Rooms containing sanitary or laundry facilities shall:

1. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, water proof material or covered with moisture resistant material.
2. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10 per cent of the floor area served by them.
3. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
4. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
5. Illumination levels shall be maintained as follows:
 - a. general/common area lighting - five (5) foot candles; (Amended August 9, 2017)
 - b. laundry room work area - 40-foot candles;
 - c. toilet room, in front of mirrors - 40-foot candles.

6. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

Section 816. Fire Protection

- A. Mobile home parks and each lot shall be kept free of litter, rubbish and other flammable materials.
- B. Portable fire extinguishers rated for classes B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their UL or Factory Mutual rating shall not be less than 6.
- C. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.
- D. Where fire hydrants are to be used, the mobile home park owner shall coordinate fire hydrant thread design with the local fire departments.
- E. Placement and design of fire hydrants shall comply with the requirements of Section 712 of this Ordinance and any other applicable regulations.

Section 817. Insect and Rodent Control

- A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Department of Environmental Protection.
- B. The Community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- C. Storage areas shall be maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground during construction periods, after which all such materials shall be removed from open areas of the park.
- D. Where the potential for insect and rodent infestation exists all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

- E. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The park shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Section 818. Management and Supervision

A. Responsibilities of the Park Management.

The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate management and supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition and shall:

1. Supervise the placement of each mobile home, which includes securing its stability and installing all utility connections.
2. Give Borough Council or their representatives free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspections.
3. Maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park.
4. Notify the Department of Environmental Protection immediately of any suspected communicable or contagious diseases within the park.
5. Notify the park residents of all applicable provisions of this Ordinance and inform them of their duties and responsibilities relating to the need for sanitary conditions, the proper placement of mobile home units, the control of pets, the prior approval of porches, awnings and accessory structures, the periodic storage of garbage, and maintaining of fire extinguishers.

Section 819. Revocation of Permit

- A. Whenever, upon inspection of any mobile home park, Borough Council determines that there are reasonable grounds to believe that conditions or practices exist which are in violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, Borough Council or their representative shall give notice in writing to the person to whom the permit was issued, advising them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate shall be suspended. At the end of such period, such

mobile home park shall be reinspected and if such conditions or practices have not been corrected, Borough Council shall suspend the permit and give notice in writing of such suspension to the person to whom the permit is issued.

- B. Whenever Borough Council finds that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

ARTICLE IX EROSION AND SEDIMENT POLLUTION CONTROL

Section 901. Purpose

The purpose of this Article shall be to control accelerated erosion and the resulting sediment pollution to waters of this Commonwealth that occur on earthmoving sites within the Borough of Orwigsburg.

Section 902. Scope

It shall be unlawful for any person, landowner, business or corporation to undertake any earthmoving activities without developing, implementing and maintaining erosion and sediment pollution control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of this Commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Department of Environmental Protection's Chapter 102 Erosion Control regulations. A copy of the erosion and sedimentation control plan must be available at the earthmoving site at all times.

Prior to the approval of any subdivision or land development plan by Borough Council which proposes earthmoving activities encompassing in excess of 1,500 square feet of disturbed area, or for any lesser area where deemed necessary by the Planning and Zoning Commission (on a case by case basis), an erosion and sedimentation control plan must be submitted to and approved by the Schuylkill County Conservation District.

Section 903. Plan Contents

Erosion and sedimentation control plans shall be developed in accordance with the Department of Environmental Protection's Chapter 102 regulations. A complete explanation of the regulations and recommendations for preparing plans is available in PADEP's publication "Erosion and Sediment Pollution Control Program Manual". This manual is available through the office of the County Conservation District.

Section 904. Administration

Applications for approval of erosion and sedimentation control plans under the requirements of this Ordinance shall be made by completing all required spaces on the standard application and tracking form and forwarding the form to the Schuylkill County Conservation District. No grading or building permits shall be issued by the Zoning Officer unless and until an approved erosion and sedimentation control plan is received.

Section 905. Fees

The applicant shall be responsible for the payment of all fees charged by the Schuylkill County Conservation District for the review of the erosion and sedimentation control plan.

Section 906. Enforcement

The Borough and Schuylkill County Conservation District are hereby authorized and directed to conduct both routine and emergency site inspections of ongoing earthmoving operations, without prior notification, within the municipal boundaries of Orwigsburg Borough to establish compliance with the approved erosion and sedimentation control plan.

Section 907. Violations

All violations of the approved erosion and sedimentation control plan determined during a site inspection shall be listed on an inspection report which itemizes the following items for each violation:

- A. Specific type of violation, including location and scope; and
- B. The period of time in which the person(s) responsible for the earthmoving activity may correct the violations without the assessment of any penalties.

The completed inspection report shall be signed by the inspector and person responsible for the earthmoving activity (or a designated representative), and a copy provided to the latter party. No other written notification of the violations, or deadline for correcting same will be provided by the Borough.

Section 908. Penalties and Enforcement Remedies

Assessment of penalties and enforcement remedies shall occur in accordance with the requirements of Section 1403 of this Ordinance.

ARTICLE X GRADING REQUIREMENTS

All site grading activities shall conform to the construction and materials specifications as have been or shall be adopted by the Borough Council, as well as the following:

Section 1001. Grading

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- A. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the Borough Council.
- B. All drainage provisions shall be designed to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural water course. Where drainage swales are used to divert surface waters away from buildings, they shall be paved, sodded or planted and shall be of such slope, shape and size as to conform with the requirements of the Borough.
- C. Concentration of surface water runoff shall only be permitted in swales or watercourses that lead to a natural watercourse or drainage structure.
- D. Grading will done in such a way so as to not divert water onto the property of another landowner without the expressed consent of the Borough and the affected landowner.
- E. During grading operations, necessary measures shall be taken to prevent erosion or siltation of natural drainageways.
- F. During grading operations, necessary measures for dust control will be exercised.
- G. Top soil shall be preserved and redistributed as cover and shall be expeditiously planted with perennial grasses or ground cover.
- H. Tree guards during construction and grading, and limitations as to cuts and fills, both temporary and permanent near trees shall be provided as necessary to give reasonable assurance of their continued healthy growth.
- I. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges. Emergency crossings may be permitted through permission of PADEP.

Section 1002. Excavations and Fills

- A. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Borough Engineer when handled under special conditions.
- B. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- C. Cut and fills shall not endanger adjoining property.
- D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- E. Fills shall not encroach on natural watercourses or construction channels.
- F. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

Section 1003. Grading Plans

Grading Plans required as supporting documentation to Preliminary and Final Plans will act as a guide to individual lot owners for lot plans to be submitted with individual building permit applications.

ARTICLE XI LANDSCAPING REQUIREMENTS

Section 1101. Purpose

The intent of this Article is to promote practical and attractive development within Orwigsburg Borough by:

- A. Minimizing erosion and sedimentation and stimulating groundwater recharge.
- B. Minimizing glare and heat on proposed hard surfaces and reducing noise pollution.
- C. Stimulating air purification and oxygen regeneration.
- D. Maintaining existing, healthy vegetation.
- E. Providing harmonious development on properties adjacent to incongruous zoning districts or uses by providing minimum landscaping requirements.

Section 1102. Scope

A Landscape Plan shall be required for each land development plan at both the Preliminary and Final Plan submittals. In addition to other Plan requirements set forth in this Ordinance, the following is required for submission:

A. Preliminary Landscape Plan.

The Preliminary Landscape Plan shall be drawn at a scale of not less than 1" = 50'. It shall be coordinated with the overall site plan and contain the following:

- 1. Building and paved area layout.
- 2. Location of all outside storage and trash receptacle areas.
- 3. Existing and proposed underground and aboveground utilities, such as site lighting, transformers, hydrants, manholes, etc.
- 4. Preliminary grading plan delineating areas with slopes in excess of 3:1.
- 5. Fences and walls.
- 6. Existing wooded areas; existing wooded areas to remain; and existing and proposed water bodies.

7. Species of proposed trees, shrubs, groundcover and grass.
8. Areas to be planted with proposed species other than grass.

B. Final Landscape Plan.

The Final Landscape Plan shall be drawn in greater detail and shall contain the following:

1. All plan elements required for the Preliminary Plan.
 2. Plant schedule, indicating the botanical and common names, height or spread, caliper and quantity of all proposed plant material.
 3. Details for the planting and staking of trees.
 4. Existing isolated trees 8" or more in diameter, existing trees with trunks 18" in diameter or greater (measured 6" above existing ground level), existing wooded areas and existing and proposed water bodies.
 5. Location and spacing of all proposed plant material.
- C. Final Landscape Plans shall be certified by a Landscape Architect registered by the Commonwealth of Pennsylvania. These plans shall also be reviewed by the Borough Engineer and approved by the Borough Council.

Section 1103. Landscape Requirements

- A. The requirements of this section are used to judge the adequacy of subdivision and land development proposals.
- B. The locations, dimensions and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, moisture and sunlight.
- C. Within critical locations, plantings shall be limited to species that will not be contribute to conditions hazardous to the public safety. Such locations include, but shall not be limited to: public street rights-of-way; underground and above-ground utilities; and sight triangle areas required for unobstructed views at street intersections.
- D. Obstructions to Vision. No bushes or shrubs exceeding thirty (30) inches in height, or at such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted within any required clear sight triangle nor within ten (10) feet of the right-of-way line adjacent to driveways; and all street trees shall be

kept free of branches and foliage from the ground level to a height of at least six (6) feet.

E. All plant materials used shall, at the time of planting, meet minimum size requirements as stated in Section 1104.

F. Street Trees.

1. When required. Street trees shall be planted for any subdivision or land development where suitable street trees do not exist, as part of the design and construction of:

a. New streets;

b. New sidewalks or pedestrian ways;

c. Existing streets, sidewalks, pedestrian ways, highways, bicycle trails or pathways when they abut or lie within the subdivision or land development; and

d. Driveways to residential developments serving more than four (4) dwelling units.

2. Spacing. Street trees shall be planted no closer than forty (40) feet on center nor further than sixty (60) feet on center for each side of the street, except along major roads (arterials and collectors), where they may be up to eighty (80) feet on center; or an equivalent number may be planted in an informal arrangement.

3. Setback. Street trees shall be planted a minimum distance of five (5) feet outside and parallel to the right-of-way line, unless otherwise approved by the Council. Trees located at intersections shall respect the clear sight triangles.

4. Existing trees along a street which would be suitable as street trees and can be counted toward the street tree requirement shall be over four (4) inches in caliper and shall be within 25 feet of the curb or road edge.

G. Existing Trees. Existing trees shall be protected to prevent unnecessary destruction. At least twenty-five (25%) percent of the number of trees (minimum trunk caliper of five (5) inches at six (6) inches above the ground) that exist at the time of plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two and one-half (2.5) inches at a height of six (6) inches above finished grade and located within unbuildable sections of the site (i.e. floodplain, steep slope, and setback areas).

A minimum of two-thirds of the ground area within the drip line of the tree shall be maintained at existing grade level with a vegetative material, or original ground cover. All existing trees which have any part of the ground area within their drip line disturbed or compacted by construction equipment shall be pruned by a trained arborist.

All woody vegetation to be retained within 20 feet of construction sites shall be enclosed by an adequate barrier, such as highly visible snow fencing. Isolated trees to be retained within the construction area shall have the ground within their drip line covered with plywood fastened together, or other suitable material, in order to disperse the weight of the construction equipment. The trunks of these trees shall be temporarily protected by burlap wrapping encased with 1-inch boards. The trunk encasing shall not remain on the tree for a time period of more than one year, without removing the burlap and boards, and refastening them.

Existing trees as described below shall not be removed without the express approval of the Borough Council, upon recommendation of the Borough Planning and Zoning Commission:

1. All trees having a diameter of thirty (30) inches or greater - designated as "outstanding trees".
 2. Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the U. S. Fish and Wildlife Service - designated as "rare, threatened and endangered species".
 3. Trees that are part of an historic site or associated with a historic structure - designated as "trees of historic significance".
- H. Where on lot sewage disposal systems are proposed, trees shall not be placed over top of the area where the proposed septic tank and drain field are to be constructed.
- I. All shrubbery and plants shall have a normal habit of growth, and shall be sound, healthy, vigorous and free of disease, insects, insect eggs and larvae.
- J. All street and shade trees shall have a minimum trunk diameter of two and one-half (2.5) inches at a height of six (6) inches above finished grade.
- K. All plantings shall be performed in conformance with good nursery and landscape practices and to other standards that are established by the Borough.
- L. Requirements for the measurement, branching, grading, quality and burlapping of all shrubbery shall follow the code of standards recommended by the

American Association of Nurserymen, Inc., in the American Standard Nursery Stock, latest edition.

M. Screen Buffer. Wherever natural screening is being provided to meet a screening requirement of the Borough Zoning Ordinance, the following landscape requirements must be adhered to:

1. Trees and shrubs used for screening shall consist of at least 75% evergreen trees and shrubs and shall be so arranged as to provide an immediate visual screen of fifty percent (50%). Evergreen trees shall be at least six (6) feet in height at the time of planting.

When additional height is deemed necessary, an additional row of deciduous trees with calipers of not less than two and one-half (2.5) inches shall be planted within the screening area at intervals of not more than 40 feet on center.

2. Walls, ornamental structures, fences and berms, or a combination of these, not less than five (5) feet in height may be used in combination with appropriate plant material subject to the specific land use areas involved and as approved by the Borough Council.
3. Innovative means of screening are encouraged; however, as a guideline to quantity of materials required, there shall be a minimum of one (1) tree for each twelve (12) lineal feet of property line. Straight rows are strongly discouraged.
4. Screen buffers are required for, but not limited to, the following conditions:
 - a. Where commercial or industrial uses abut residential uses.
 - b. Where residential uses abut any railroad or limited access highway, or any other arterial highway in the case of reverse frontage or where marginal or rear access is provided.
 - c. Around all open sides of any common utility yard and any outdoor equipment or refuse storage area in group residential developments.
 - d. Elsewhere as deemed necessary by the Planning and Zoning Commission and/or Borough Council.
5. Windbreaks - The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.

N. Individual Lot/Building Area Requirements.

1. In addition to the landscape requirements for street trees, buffers, off-street parking areas, detention basins and service areas, each new building lot shall provide one deciduous or evergreen tree per ever one thousand (1,000) square feet of gross floor area of building.
2. Any area on the development site not used for buildings, paved areas or buffer plantings, (excluding natural woodlands), shall be planted with an all-season ground cover or lawn and other landscape materials.
3. When designing the landscape for an individual lot or building area, due consideration shall be given to the location and selection of plantings and other landscape features to:
 - a. Provide visual interest;
 - b. Define outdoor spaces:
 - c. Complement proposed architectural styles; and
 - d. Group materials according to specific needs and objectives on the site and as appropriate to the overall site design.

O. Off-Street Parking Areas.

1. Off-street parking lots shall be screened in accordance with the above regulations relating to buffers. Further, any parking lot perpendicular to and within one hundred (100) feet of a public street or intersection shall be screened with a hedge, berm or other measure to prevent distraction or confusion from parking cars' headlights.
2. No parking lot shall be located closer to a building than ten (10) feet to allow adequate room for landscaping.
3. No more than 25 parking spaces shall be placed in a continuous row without an intervening planting island of at least ten (10) feet in width and the length of the parking stall.
4. A minimum of ten (10) percent of any parking lot facility over 2,000 square feet in gross area (measured from the outside edge of paving to outside edge of paving) shall be devoted to landscaping. This landscaping shall include a minimum of one tree per 20 parking spaces and all planting beds within a parking lot shall be surfaced in lawn or ground cover planting.

5. For any land use where the total number of parking spaces exceeds 100 stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every 128 feet (128 feet assumes four (4) rows of parking at 20' length and two (2) aisles at 24' width). These divider islands shall be a minimum of ten (10) feet wide. (Amended August 9, 2017)

P. Service, Loading and Trash Disposal Areas.

1. All service, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways.
2. These areas shall be totally screened from the above listed places by the use of fences, walls, berms, evergreen plant material, or a combination of these, not less than six (6) feet in height.

Section 1104 Recommended Plant Materials.

- A. Species selection shall be based upon the existing site conditions including the site geology, hydrology, soils and microclimate, as well as functional considerations of screening, energy conservation and architectural compatibility.
- B. The following is a recommended list of street trees for use in Orwigsburg Borough. However, the Borough may permit other planting types if they are hardy to the area, are not subject to blight or disease and are of the same general character and growth habit as those listed below. Street trees shall have a minimum two and one-half inch (2.5) caliper.
 1. Acer Rubrum - Red Maple (hybrid varieties)
 2. Fraxinus Pennsylvania - Green Ash
 3. Pyrus Calleryana "Aristocrat" - Aristocrat Pear
 4. Pyrus Calleryana "Chanticleer" - Chanticleer Pear
 5. Pyrus Calleryana "Redspire" -Redspire Pear
 6. Quercus Borealis - Northern Red Oak
 7. Quercus Coccinea - Scarlet Oak
 8. Tilia Tomntosa - Silver Linden

9. Tilia Cordata - Littleleaf Linden
 10. Zelkova Serrata - Japanese Zelkova
- C. The following is a recommended list of street trees for use within areas limited in space by overhead power lines and sidewalks:
1. Acer Campestre - Hedge Maple
 2. Crataegus Crusgalli Inermis - Thornless Cockspur Hawthorne
 3. Crataegus X Lavalley - Lavalley Hawthorne
 4. Koelreuteria Paniculata - Goldenrain Tree
 5. Malus 'Centurion' - 'Centurion' Crabapple
 6. Malus 'Harvest Gold' - 'Harvest Gold' Crabapple
 7. Malus X Zumi 'Calocarpa' - Redbud Crabapple
- D. In no circumstances will any of the following trees be permitted to be planted as street trees:
1. Poplars - all varieties.
 2. Willows - all varieties.
 3. White or Silver Maple (Acer Saccharinum).
 4. Aspen - all varieties.
 5. Common Black Locust.

ARTICLE XII
IMPROVEMENT AND CONSTRUCTION ASSURANCES

Section 1201. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud free or otherwise permanently passable condition, or improved as may be required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as required by this Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer shall provide for the deposit with the Borough of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L.1242, No.428) known as the "State Highway Law."
- B. When requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements' agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- C. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

- E. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110%) percent.
- G. The amount of financial security shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional Engineer licensed as such by the Commonwealth of Pennsylvania. The engineer shall certify the amount of security to be a fair and reasonable estimate of such cost. Borough Council, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed as such in the Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- H. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above procedure.
- I. In the case where development is projected over a period of years, Borough Council may authorize submission of final plan by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

- J. As the work of installing the required improvements proceeds, the party posting the financial security may request Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to Borough Council, and Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon receipt of such certification Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if Borough Council fails to act within said forty-five (45) day period, Borough Council shall be deemed to have approved the release of funds as requested. Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.
- K. Where Borough Council accepts dedication of all or some of the requirements following completion, Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
1. If at the time the surface courses of streets in the subdivision or land development are completed, ninety (90) percent of the lots are not improved, the developer must post with the Borough financial security in an amount equal to fifteen (15) percent of the reasonable cost of the surface course as security to guarantee that damages to the road or street will not occur during the completion of the improvements on the unimproved lots in such developer's subdivision or land development. For the purpose of this section, an improved lot shall be considered completed when all building construction and site improvements are finished to the point that in the opinion of the Borough, a Certificate of Occupancy could be issued. The Borough shall hold such financial security and utilize it to pay for the repair of any damage occurring to the street(s) during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements. The financial security shall be in a form acceptable to the Borough.

- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

Section 1202. Inspection During Construction

Borough Council shall authorize and direct the Borough Engineer to cooperate with the applicant in arranging for the Engineer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer will enable him to determine whether or not such construction is in general conformity with the Final Plan and all Borough requirements.

- A. It is generally required that the following phases of site construction have mandatory inspection. This general list of phases may be amended by mutual agreement of the Borough and developer when the site requires special construction procedures. The inspection schedule must be recorded with the final plan or shown on the approved improvement construction plan.

- 1. General Site Construction.

- a. Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices.

- b. Upon completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground covers.
- c. During the construction of permanent storm water management and BMP facilities. All storm sewers, culverts, etc. must be inspected prior to backfilling.
- d. During construction of sanitary sewers and appurtenances, all sanitary sewers must be constructed and inspected in accordance with Borough specifications.
- e. Upon the final completion of permanent storm water management and BMP facilities, including the establishment of ground covers and plantings.
- f. After review of the as-built drawings, required by Section 1203 of this Ordinance, but prior to final release of the financial guarantee for completion of final grading, vegetative controls required by the BMP standards, or other site restoration work.

2. Street Construction.

- a. Preparation of Road Subgrade. At the time of this inspection, the subgrade should be proof rolled and the proposed crown and grade should be checked. It is recommended that a developer's and/or contractor's representative accompanies the observer when the crown and grade are checked. Proof rolling should be performed with a fully loaded, tandem-axle dump truck. This inspection must occur prior to any stone subbase being placed.
- b. Placement and Compaction of Road Subbase. At the time of this inspection, the depth of subbase should be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade and the crown and grade should be checked again. This inspection must occur prior to any binder or base course being placed.
- c. Placement and Compaction of the Binder/Base Course. At the time of this inspection, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits, in accordance with Penn DOT specifications, Form 408, as amended), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload are obtained. The crown and

grade should also be checked again. This inspection must occur prior to the wearing course being placed.

- d. Placement and Compaction of the Wearing Course. At the time of this inspection, the guidelines for the placement and compaction of the binder/base course should be followed.

- 3. In addition to the above outlined inspections, additional inspections will be made at the request of the developer for reduction of financial securities. Random inspections should be made at the frequency desired by the municipality. At the time of any of the above listed inspections, all ongoing construction (i.e. storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee be submitted to coincide with the above inspections.

B. Construction in Accordance with Plans.

All roads and drainage facilities shall be constructed in strict accordance with the approved plans and no changes shall be affected unless the same receive the written authorization of the Borough. Notwithstanding the provisions of this Section, the Borough may require changes during the construction stage where onsite conditions, in the opinion of the Borough, or its duly designated representative, indicates that the adverse effect of stormwater runoff and/or the adverse effect to the roadbed and/or road surface may be minimized by such changes.

- C. Notice shall be given to the Borough at least seventy-two (72) hours in advance of commencement of any construction operation to provide for required inspection. The developer shall provide at least seventy-two (72) hours' notice prior to the start of construction of any improvements that are subject to inspection. All inspections of completed items shall be requested, in writing, at least seventy-two (72) hours in advance of the inspection time and date.
- D. No underground pipes, structures, subgrades, binders or base courses shall be covered until inspected and approved by the duly authorized official of the Borough. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.
- E. In those cases where the Borough Engineer deems necessary, the developer, through his contractor, shall retain the services of a certified Soils Engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Borough construction and materials specifications as have been or may be adopted by Borough Council.

- F. The wearing course on all streets proposed to be dedicated to the Borough shall not be placed until at least seventy-five (75) percent of the lots within the development have been built upon, or upon the expressed desire of Borough Council.
- G. Whenever any work or materials are found to be not in compliance with the Final Plan and/or applicable Borough requirements, the Borough Engineer or any other duly authorized Borough representative, may stop work on the job until such non-compliance or variance is eliminated and any work or materials installed which are not in compliance are made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by Borough Council.
- H. Whether or not such construction or work shall have been accomplished in accordance with Borough requirements shall be determined by the Borough Engineer upon the basis of his on-site inspections during such phases thereof as in his judgment will enable him to make such determination. The Engineer shall submit a written report to Borough Council in regard thereto.

Section 1203. As-Built Plan

After Final Plan approval and upon the completion of all required improvements, the applicant shall submit an As-Built Plan prepared by a Professional Engineer or Professional Land Surveyor. Said Plan shall indicate that the constructed improvements are in conformance with the previously approved drawings and specifications. Said plan shall also note any and all deviations from the previously approved drawings and specifications. One (1) reproducible and two (2) copies of the As-Built Plan shall be filed with the Borough within ninety (90) days of completion of all required improvements.

The As-Built Plan shall be drawn to the same scale as the Final Plan, certified to by the designer of the plan, and approved by the Borough Engineer. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:

- A. Concrete monuments.
- B. The edge of the cartway and top of the curb for both sides of each street.
- C. Sanitary sewer mains, manholes and laterals.
- D. Storm sewers, inlets and culverts.
- E. Water mains and fire hydrants.

- F. Street lights.
- G. Landscaping and screen planting.
- H. Permanent sedimentation, erosion control and stormwater management structures.
- I. All easements.

Section 1204. Release from Improvement Bond

When the developer has completed all of the required and necessary improvements, and has furnished the required As-Built Plan(s), the developer shall notify Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.

- A. Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the required improvements.
- B. The Borough Engineer shall, thereupon, file a report, in writing, with Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the authorization for inspection by Borough Council.
- C. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reason for non-approval or rejection. Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this Ordinance, and all other applicable ordinances, statutes and regulations. Improvements shall also not be considered complete until as-built plans of all improvements to be dedicated to the Borough and of all streets, whether or not such streets shall be dedicated, have been submitted to the Borough.
- D. Borough Council shall notify the developer, within fifteen (15) days of receipt of the Engineer's report, in writing by certified mail or registered mail, of the action of Borough Council with relation thereto.
- E. If Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, or such time limitations as contained in the Municipalities Planning Code, whichever requirements shall contain a longer time period for action by the Borough, all improvements will be deemed to have been

approved and the developer's posted financial security shall be released.

- F. If any portion of the said improvement shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
- G. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of Borough Council or the Borough Engineer.

Section 1205. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved Final Plan, Borough Council shall have the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

Section 1206. Fees for Inspection of Improvements

Borough Council shall prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. The developer shall pay the cost of any such inspection in accordance with the provisions of Article V of the Municipalities Planning Code. Such reimbursement shall be based upon a schedule adopted by Resolution of Borough Council upon enactment of this Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Borough Office. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultants for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

Section 1207. Disputes over Fees

If the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of

billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

In the event that the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for dispute resolution as set forth in Section 312 herein.

Section 1208. Dedication

The Developer may offer the Borough a deed of dedication, accompanied by a fee to cover recording costs and costs of preparing the Resolution of Acceptance and recording of the same, for a street(s) in the developer's subdivision/land development. If the deed is found to be in proper order and there are no violations of any provision of this Ordinance, the Borough Council, may at its sole discretion, adopt a Resolution accepting the street and, in applicable cases, drainage facility. No street, or in applicable cases, drainage facility, shall be considered finally accepted by the Borough until the deed has been recorded and filed with the applicable offices for filing for Schuylkill County, Pennsylvania.

Notwithstanding final acceptance of the road or drainage facility, the developer shall remain responsible for maintenance of the same, snow removal excepted, for a period of eighteen (18) months from the date of final acceptance. Borough Council will accept streets for dedication only during the period between March 1 and September 1 of each calendar year.

Section 1209. Development Agreement

Plan approval may, at the sole discretion of Borough Council, be subject to the signing of a Development Agreement prepared by the Borough Solicitor pertaining to the laying out of roads, streets, lanes, or alleys and the construction of all improvements including necessary grading, paving, curbs, erosion and sediment control, gutters, sidewalks, street lights, fire hydrants, water mains, underground electric facilities, landscaping, and traffic control devices, in accordance with the approved plans, where such (or some of them) improvements are required as a condition of the approval of the plan by the Borough Council, within the time or times specified in the approval. The agreement may include any other specified conditions or requirements agreed to by the Borough Council and developer and/or owner.

The developer and/or owner shall reimburse the Borough for the legal fee and filing cost incurred for the preparation and recording of this agreement (or memorandum thereof).

ARTICLE XIII MODIFICATION OF REQUIREMENTS

Section 1301. Special Conditions

Where a literal enforcement of the provisions of these regulations will result in unreasonable hardship because of peculiar conditions pertaining to the land in question, Borough Council, after review by the Planning and Zoning Commission, and recommendation by the Borough Engineer as required, may grant a modification of the requirements of one or more provisions of this Ordinance: Provided that such reasonable alteration thereto will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.

Section 1302. Applications for Modification

Applications for any modification of requirements shall be submitted in writing by the applicant at the time the Application for Development is filed with the Planning and Zoning Commission. Applications for modification may also be submitted as part of an optional Sketch Plan submission (see Article IV.) The application shall state fully the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

Section 1303. Modification Action by the Borough Council

- A. Borough Council shall consider and act upon requests for modification at a regularly scheduled meeting of the Board.
- B. A formal hearing shall not be required. However, the applicant or any interested party may request a hearing upon agreement to pay for the public notice and stenographic costs thereof.
- C. At any meeting or hearing, the applicant or his representative shall present evidence in support of the request.
- D. Borough Council after hearing said evidence and considering the application, may grant or deny said modification.
- E. In modifying any requirements, Borough Council shall record its action and the grounds for the modification of a requirement to the applicant applying for the modification.
- F. Whenever a request for the modification of a requirement is denied, Borough Council shall record its action and the grounds for such denial in its minutes.

Borough Council shall transmit a copy of the action and the grounds for such denial of any alteration to the applicant applying for the modification.

ARTICLE XIV
ENFORCEMENT, PENALTIES, SEVERABILITY,
AMENDMENTS, AND ENACTMENT

Section 1401. Administration and Enforcement

- A. Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein.

Officials of the Borough having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other ordinances of the Borough.

- B. Permits required by the Borough, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Borough official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision approved and publicly recorded in accordance with the provisions of this Ordinance regulating the subdivision and development of land.

Also, such permits shall be issued only after it has been determined that the site for such building alteration, improvement or use conforms to the site description indicated by the approved and recorded Final Plan or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.

If the building permit is issued erroneously or prior to proper approval, it is void.

- C. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, and the Rules and Regulations of PADEP and any requirement of the Borough pertaining to the issuance of such permit.

- D. Preventive Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt

the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The Borough's authority to deny such a permit or approval shall apply to any of the following applicants:
 - a. The owner/owners of record at the time of such violation.
 - b. The vendee or lessee of the owner of record at any time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1402. Amendments

- A. For the purpose of protecting the public health, safety and general welfare, amendments to this Ordinance may, from time to time, be proposed.
- B. All proposals for amendments shall be made in accordance with the following procedure:
 1. Amendments to this Ordinance may, from time to time, be proposed by the Borough Council on its own motion, or by the Borough Planning and Zoning Commission. In addition, any landowner may propose an amendment to this Ordinance, in which event the Borough Council, at its sole option, may initiate procedures for amendment by referring the proposed amendment to the Borough Planning and Zoning Commission.

2. Review by Borough Planning and Zoning Commission.

In the case of an amendment other than that proposed by the Borough Planning and Zoning Commission, the Borough Council shall submit each such amendment to the Planning and Zoning Commission for recommendations at least forty-five (45) days prior to the date of the Public Hearing on the proposed amendment. The Borough shall also submit the proposed amendment to the Schuylkill County Planning and Zoning Commission for recommendations at least forty-five (45) days prior to the date of the Public Hearing.

3. Action by Borough Council.

Amendments shall be approved or disapproved by the Borough Council after a Public Hearing held pursuant to public notice, as defined in Section 202 in accordance with the procedural requirements of Section 505 and 506 of Act 247 as amended.

4. Notification of Borough Action.

Within thirty (30) days of said approval, the Borough shall forward a certified copy of any amendment to this Ordinance the Schuylkill County Planning and Zoning Commission.

Section 1403. Penalties

A. Jurisdiction. District justices having territorial jurisdiction over Orwigsburg Borough shall have initial jurisdiction over proceedings brought under Section 1403 B.

B. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the

ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to the Borough.

2. The Court of Common Pleas of Schuylkill County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action at law and/or at equity for enforcement pursuant to this Section.

Section 1404. Right to Appeal

Any person aggrieved by a finding, decision or recommendation of the Borough Council or Planning and Zoning Commission with respect to the approval or disapproval of a plan or request for Modification may appeal as provided for in the Pennsylvania Municipalities Planning Code and other relevant statutes and rules.

Section 1405. Mediation Option

As an alternative to an adjudicatory appeal proceeding, any party entitled to appeal a decision of the Borough Council or Planning Commission may request the utilization of mediation as an aid in resolving the dispute. Participation in mediation shall be wholly voluntary by the parties, and shall be conducted as prescribed in the Pennsylvania Municipalities Planning Code.

Section 1406. Records

The Planning and Zoning Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision and land development plans filed with it for review.

Section 1407. Severability

If any part or provision of this Ordinance or the application of this Ordinance to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly

involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts or provisions of this Ordinance or the application of them to other persons or circumstances.

Section 1408. Repeals and Continuation of Prior Regulations

Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Borough, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of Council that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All zoning ordinances or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning ordinance or regulation. In the event any violation has occurred under any prior zoning regulation or ordinance of Orwigsburg Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

Section 1409. Effective Date

This Ordinance shall become effective in accordance with applicable law and may be amended from time to time in accordance with procedure established by law. No plan submitted prior to the effective date of this Ordinance will be subject to the more stringent regulations under this Ordinance.

Section 1410. Enactment

Enacted this 11th day of August 2010.

Attest: /s/ Sherry M. Edwards
Borough Secretary

/s/ Charles J. Sterner
President of Council

Approved this 11th day of August 2010.

/s/ Austin Scandiber
Mayor

AS AMENDED BY ORDINANCE NO. 410, ENACTED ON FEBUARY 13, 2013

AS AMENDED BY ORDINANCE NO. 428, ENACTED ON AUGUST 9, 2017

APPENDIX

APPENDIX NO. 1

CERTIFICATION OF ACCURACY (PLAN)

I hereby certify that, to the best of my knowledge, the plan shown and described hereon is true and correct to the accuracy required by the Orwigsburg Borough Subdivision and Land Development Ordinance.

_____, 20____ * _____

*Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the plan.

APPENDIX NO. 2

CERTIFICATION OF ACCURACY (SURVEY)

I hereby certify that, to the best of my knowledge, the survey shown and described hereon is true and correct to the accuracy required by the Orwigsburg Borough Subdivision and Land Development Ordinance.

_____, 20____ * _____

*Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the plan.

APPENDIX NO. 3

STORM DRAINAGE PLAN CERTIFICATION

I hereby certify that, to the best of my knowledge, the storm drainage facilities shown and described hereon are designed in conformance with the storm water management requirements of Orwigsburg Borough.

_____, 20____ * _____

*Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the storm drainage plan.

APPENDIX NO. 4

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN
AND OFFER OF DEDICATION

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF SCHUYLKILL

On this, the ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the * _____ of the property shown on this plan, that the plan thereof was made at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use. He also hereby acknowledges that this proposed subdivision or land development may be subject to the requirements of additional Borough, State and Federal regulations.

** _____

*** _____

My Commission Expires _____, 20____

* Identify Ownership or Equitable Ownership

** Signature of the Individual

*** Signature and Seal of Notary Public or Other Authorized to Acknowledge Deeds.

APPENDIX NO. 4

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN
AND OFFER OF DEDICATION

COPARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF SCHUYLKILL

On this, the ____ day of _____, 20 ____, before me, the undersigned officer, personally appeared _____, being the members of the firm of _____, who being duly sworn according to law, deposes and says that the copartnership is the * _____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be its act and plan and desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20 ____

* Identify Ownership or Equitable Ownership

** Signature of the Individual

*** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

APPENDIX NO. 4

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN
AND OFFER OF DEDICATION

CORPORATE

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF SCHUYLKILL

On this, the _____ day of _____, 20 _____, before me, the undersigned officer,
personally appeared _____, being *
_____ of ** _____ who
being duly sworn according to law, deposes and says that the corporation is the
*** _____ of the property shown on this plan, that he is authorized to execute
said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the
corporation desires the same to be recorded and on behalf of the corporation further acknowledges,
that all streets and other property identified as proposed public property (excepting those areas
labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

**** _____

***** _____

***** _____

My Commission Expires _____, 20 _____

* Individual's Title
** Name of Corporation
*** Identify Ownership or Equitable Ownership
**** Signature of Individual
***** Corporate Seal
***** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge
Deeds.

APPENDIX NO. 5

**ORWIGSBURG BOROUGH COUNCIL
PRELIMINARY PLAN APPROVAL CERTIFICATE**

At a meeting on _____, 20____, the Orwigsburg Borough Council granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____, and bearing Orwigsburg Borough File No. _____. This plan may not be recorded in the office of the Schuylkill County Recorder of Deeds.

* _____ *

*Signatures of the President and Vice President or their designees.

APPENDIX NO. 6

**ORWIGSBURG BOROUGH COUNCIL
FINAL PLAN APPROVAL CERTIFICATE**

At a meeting held on _____, 20____, the Orwigsburg Borough Council approved this project including the complete set of plans and information that are filed with the Borough Council in File No. _____, based upon its conformity with the standards of the Orwigsburg Borough Subdivision and Land Development Ordinance.

* _____ *

*Signatures of the President and Vice President or their designees.

APPENDIX NO. 7

**ORWIGSBURG BOROUGH COUNCIL
APPROVAL CERTIFICATE FOR A (LOT ANNEXATION)(NATURAL SUBDIVISION) (LOT
CONSOLIDATION) (REVISED SUBDIVISION) (REVISED LAND DEVELOPMENT) PLAN**

This (Lot Annexation Plan) (Natural Subdivision Plan) (Lot Consolidation) (Revised Subdivision) (Revised Land Development), bearing Orwigsburg Borough File No.____, approved by the Orwigsburg Borough Council this ____ day of _____, 20_____.

* _____ *

*Signatures of the President and Vice President or their designees.

APPENDIX NO. 8

**ORWIGSBURG BOROUGH PLANNING AND ZONING COMMISSION
REVIEW CERTIFICATE**

At a meeting held on _____, 20_____, the Orwigsburg Borough Planning and Zoning Commission reviewed this plan and a copy of the review comments is on file in the Borough office.

* _____ *

*Signatures of the Chairman and Secretary or their designees.

APPENDIX NO. 9

APPLICATION FOR CONSIDERATION FOR A PRE-APPLICATION
REVIEW (SKETCH PLAN)

BOROUGH FILE NO. _____

DATE OF RECEIPT/FILING _____
(FOR BOROUGH USE ONLY)

The undersigned hereby applies for informal review under the Orwigsburg Borough Subdivision and Land Development Ordinance of 2010 for the (Subdivision) (Land Development) Plan submitted herewith and described below:

1. Plan Name: _____

Plan No.: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____

Phone No.: _____ FAX No.: _____ Email: _____

4. Proposed Land Use and Number of Lots and/or Units (indicate answer by number):

_____ Single-Family (Detached) _____ Commercial

_____ Multi-Family (Attached-Sale) _____ Industrial

_____ Multi-Family (Attached-Rent) _____ Institutional

5. Total Acreage: _____

6. Name of Applicant (if other than owner): _____

Address: _____

Phone No.: _____

7. Schuylkill County Geographic Information System (GIS) ID Number(s): _____

8. Firm Which Prepared Plan: _____
Address: _____
Phone No.: _____
Person Responsible for Plan: _____
9. Type of water supply proposed:
_____ Community
_____ Individual
10. Type of sanitary sewer disposal proposed:
_____ Community
_____ Individual
11. Approximate Lineal feet of new street _____
12. Acreage proposed for park or other public use:

I am aware that after Preliminary Plan approval I can proceed with site work and the installation of required improvements or common amenities; however, I cannot commence development of the property until a Final Plan has been recorded in the Office of the Recorder of Deeds.

Date

Signature of Landowner or Applicant

APPENDIX NO. 10

APPLICATION FOR CONSIDERATION FOR A SUBDIVISION
AND/OR LAND DEVELOPMENT PLAN

BOROUGH FILE NO. _____

DATE OF RECEIPT/FILING _____
(FOR BOROUGH USE ONLY)

The undersigned hereby applies for approval under the Orwigsburg Borough Subdivision and Land Development Ordinance of 2010 for the (Subdivision) (Land Development) Plan submitted herewith and described below:

1. Plan Name: _____

Plan No.: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____

Phone No.: _____ FAX No.: _____ Email: _____

4. Land Use and Number of Lots and/or Units (indicate answer by number):

_____ Single-Family (Detached) _____ Commercial

_____ Multi-Family (Attached-Sale) _____ Industrial

_____ Multi-Family (Attached-Rent) _____ Institutional

5. Total Acreage: _____

6. Application Classification: (Check One)

_____ Preliminary Plan _____ Final Plan

_____ Lot Annexation Plan _____ Natural Subdivision Plan

_____ Revised Subdivision and/or Land Development Plan

7. Schuylkill County Geographic Information System (GIS) ID Number(s):

8. Name of Applicant (if other than owner): _____

Address: _____
Phone No.: _____
9. Firm Which Prepared Plan: _____
Address: _____
Phone No.: _____
Person Responsible for Plan: _____
10. Have all zoning approvals been obtained in accordance with Section 309 (special exception, conditional use, variance, zoning amendment)? Please specify approvals:

11. Type of water supply proposed:
_____ Public
_____ Community
_____ Individual
12. Type of sanitary sewer disposal proposed:
_____ Public _____ Live
_____ Community _____ Capped
_____ Individual
13. Lineal feet of new street _____
Identify all street(s) not proposed for dedication:

14. Acreage proposed for park or other public use:

15. Have plans been submitted to the Schuylkill County Planning and Zoning Commission?

Date: _____

I am aware that after Preliminary Plan approval I can proceed with site work and the installation of required improvements or common amenities; however, I cannot commence development of the property until a Final Plan has been recorded in the Office of the Recorder of Deeds. By signing this application, I certify that all facts in the application and all accompanying documentation are true and correct. This application is being made by me to induce official action on the part of Orwigsburg Borough, and I understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date

Signature of Landowner or Applicant

APPENDIX NO. 11

APPLICATION FOR CONSIDERATION OF A MODIFICATION

BOROUGH FILE NO. _____

DATE OF RECEIPT/FILING _____
(FOR BOROUGH USE ONLY)

The undersigned hereby applies for approval of modification, submitted herewith and described below:

1. Name of Project: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____

Phone No.: _____ FAX No.: _____ Email: _____

4. Name of Applicant (if other than owner): _____

Address: _____

Phone No.: _____

5. Specify section(s) of the Orwigsburg Borough Subdivision and Land Development

Ordinance for which modification is requested: _____

6. The proposed alternative to the requirement: _____

7. Justification for the modification (See Ordinance Section 1302):

8. Identification of plans, reports or supplementary data that is part of the application:

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct and complete.

Date

Signature

APPENDIX NO. 12

TO: Schuylkill County Planning and Zoning Commission
401 North Second Street
Pottsville, Pennsylvania 17901

FROM: Orwigsburg Borough

SUBJECT: Request for Review of a Subdivision or Land Development Plan

We do hereby request the Schuylkill County Planning Department to review the enclosed subdivision or land development plan in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, Article V, Section 502.

Plan Identification (check or complete the following items):

Municipal Plan No. (if any) _____

Plan Name: _____

_____ Preliminary Plan

_____ Final Plan

_____ Other (specify) _____

Name of Landowner(s): _____

Address: _____

Additional Comments: _____

Fee: Check #: _____ Amount: _____

Signature

Print Full Name

Title

Orwigsburg Borough
209 North Warren Street
PO Box 128
Orwigsburg, PA 17961
(570) 366-3103

APPENDIX NO. 13

NOTICE OF ACCEPTANCE OF AN IMPROVEMENT GUARANTEE

DATE: _____

Orwigsburg Borough Council
209 North Warren Street
PO Box 128
Orwigsburg, PA 17961

SUBJECT: Acceptance of Improvement Guarantee

Dear Supervisors:

The developer of the project known as _____ has provided an improvement guarantee in the form of a _____ to assure the proper installation of the following improvements:

_____ Street Construction	_____ Street Signs
_____ Curbs	_____ Sidewalks
_____ Storm Sewer Facilities	_____ Sanitary Sewer Facilities
_____ Water Supply Facilities	_____ Fire Hydrants
_____ Survey Monuments	_____ Buffer Planting
_____ Street Trees	_____ Traffic Control
_____ Other (specify)	_____ Other (specify)

This form of improvement guarantee was accepted by formal action of the Board at a meeting on _____, 20____.

Authorized Signature

APPENDIX NO. 14

REQUIRED IMPROVEMENTS LISTING

Plan Name: _____
Plan Location: _____

The undersigned developer hereby agrees to provide throughout his development, as shown on the plan of _____, dated _____ the following improvements:

<u>Improvements</u>	<u>Quantity</u>	<u>Units</u>	<u>Price Per</u> <u>Unit</u>	<u>Construction</u> <u>Cost</u>
Street Grading	_____	_____	_____	_____
Street Base	_____	_____	_____	_____
Street Paving	_____	_____	_____	_____
Street Signs	_____	_____	_____	_____
Curbs	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____
Storm Sewer Facilities	_____	_____	_____	_____
Sanitary Sewer Facilities	_____	_____	_____	_____
Water Supply Facilities	_____	_____	_____	_____
Fire Hydrants	_____	_____	_____	_____
Survey Monuments	_____	_____	_____	_____
Buffer Planting	_____	_____	_____	_____
Street Trees	_____	_____	_____	_____
Traffic Control	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____

ESTIMATED COST: \$ _____

CONTINGENCIES (10%): \$ _____

INSPECTION FEE DEPOSIT (5%): \$ _____

REQUIRED ESCROW: \$ _____

SIGNATURE OF DEVELOPER _____

APPENDIX NO. 15

NOTICE OF COMPLETION AND APPROVAL OF IMPROVEMENTS

DATE: _____

Orwigsburg Borough Council
209 North Warren Street
PO Box 128
Orwigsburg, PA 17961

SUBJECT: Approval of Improvements

Dear Borough Council:

The developer of the project known as _____ has completed the installation of the following improvements in accordance with the improvement construction plan:

_____ Sanitary Sewer Facilities

_____ Water Supply Facilities

_____ Fire Hydrants

_____ Other (specify)

_____ Authorized Signature

_____ Print Full Name

_____ Title

_____ Approval Authority

_____ Address

_____ Phone No.

APPENDIX NO. 16

LOT ANNEXATION PLAN NOTATION (SAMPLE)

NOTE PROHIBITING SEPARATE CONVEYANCE OF LOT A:

By executing this Plan, all landowners agree, for landowners and the personal representatives, heirs, successors and assigns of landowners, that the lot identified as (Lot A) on the Plan may not be separately conveyed to any person other than to the adjoining landowner identified on this Plan. Any other conveyance of (Lot A) on the Plan shall be considered a violation of the applicable Subdivision and Land Development Ordinance and shall be subject to all penalties and remedies authorized by the Pennsylvania Municipalities Planning Code and the applicable Subdivision and Land Development Ordinance. All landowners agree, for landowners and the personal representatives, heirs, successors and assigns of landowners, that Orwigsburg Borough shall not be required to issue any zoning permits or any building permits or any other permit or approval to authorize erection of any structure or structures upon (Lot A) until such time as the landowner or the personal representatives, heirs, successors and assigns of the landowner of such Lot has received all approvals required for the installation of sewage disposal facilities on such Lot and has received any subdivision or land development approval necessary for the separation of such Lot or the erection of more than one principal structure. Landowners and/or the personal representatives, heirs, successors and assigns of landowners shall bear all costs of obtaining any approvals required for development proposed and shall bear all risks that such approvals may not be able to be obtained. Lots and/or Units (indicate answer by number):

APPENDIX NO. 17

LAND DEVELOPMENT AGREEMENT

THIS AGREEMENT made as of the ____ day of _____, 20____, by and between the Borough of Orwigsburg, a borough operating under the laws of the Commonwealth of Pennsylvania with municipal offices at 209 North Warren Street, Orwigsburg, Schuylkill County, Pennsylvania ("Borough"), and _____, a _____, with a place of business at _____, Pennsylvania ("Developer").

WITNESSETH

WHEREAS, Developer is the legal or equitable owner of a certain tract of ground comprising _____ acres, more or less, located at _____ in Orwigsburg Borough, Lancaster County, Pennsylvania, which entire parcel is more fully described in the legal description attached hereto, made a part hereof, and marked Exhibit "A" (the "Tract"); and

WHEREAS, Developer desires to develop the Tract or a portion thereof (the "Development") in accordance with certain final subdivision and/or land development plans for the project known as _____ prepared by _____, being Project No. _____, consisting of _____ sheets, dated _____, 20____, with the last revision dated _____, 20____, said plans hereinafter referred to as the "Plans" (a complete schedule of the plans to be recorded and all supporting plans is attached hereto as Exhibit "B" and expressly made a part hereof); and

WHEREAS, Developer desires to develop all or a portion of the Tract and install the public improvements and/or common amenities shown on said Plans in accordance with the Orwigsburg Borough Subdivision and Land Development Ordinance (the "Subdivision Ordinance") and the Pennsylvania Municipalities Planning Code ("MPC"); and

WHEREAS, if public sewer service and/or public water service is proposed for the Development, Developer has entered into a separate agreement or agreements with the Borough to guarantee sewer service to the Development and into a separate agreement or agreements with the Borough to guarantee water service to the Development and has delivered true, correct, and fully executed copies of same to the Borough (collectively referred to as the "Utility Agreements"); and

WHEREAS, the Borough is prepared to approve the aforesaid Plans provided the duties and obligations of Developer with regard to the Development and the public improvements and/or common amenities shown on the Plans and such other off-site public improvements as are reasonably related to the burdens to be placed upon the Borough by Development are clarified and the completion of those public improvements and/or common amenities is secured in the manner prescribed by the MPC.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants and agreements contained herein, and intending to be legally bound hereby, agree as follows:

1. Improvements. All public and common improvements to be constructed and/ or installed and/or paid for in whole or in part by Developer (as well as the estimated costs of completing each) are listed on Exhibit "C" for improvements required to be constructed by the Subdivision Ordinance, Storm Water Management Ordinance or other applicable Ordinance or the rules and regulations of the Borough, and on Exhibit "D" for capital contributions to be made by the Developer or other improvements to be constructed by Developer to address the impact of the Development upon the Borough which are not expressly required by applicable Ordinances or by the Borough both of which Exhibits are attached hereto and are expressly made a part hereof (the said public and common improvements shall hereinafter be referred to collectively as the "Improvements"). Improvements which will be dedicated to the Borough shall hereafter be referred to as "Sewer/Water Improvements", and all other public and common improvements, including but not limited to improvements which will be dedicated to the Borough and storm water management facilities, shall be referred to hereafter as "Borough Improvements". The following provisions shall be applicable to the Borough Improvements and Sewer/Water Improvements:

A. Sidewalks, Curbing and Cartways. Developer shall construct all roadways, curbing and cartways as shown on the Plans. No roadway shall be constructed between November 15 and March 15 of any year without prior written approval of the Borough Engineer.

B. Sanitary Sewers. Developer shall construct sanitary sewers to service the Tract and shall also provide laterals or approved service lines to serve each building erected thereon consistent with the Plans and the applicable Utility Agreement.

C. Water Lines. Developer shall construct and install all water lines shown on the Plans so that each building to be constructed on the Tract shall be served with public water facilities in accordance with the applicable Utility Agreement. Furthermore, Developer shall submit to the Borough satisfactory proof that public water will be adequately supplied to each and every aspect of the Development which requires water.

D. Storm Water Management. Developer shall construct storm water management facilities as shown on the Plans in order to adequately drain the Tract of surface waters. In the event that at any time during the construction period the Borough Engineer determines that the storm water management facilities as designed are inadequate, Developer shall submit for approval a revised storm water management plan and shall make all of the changes necessary to the storm water management facilities to adequately drain the tract of surface water. Provided, however, if in such an instance Developer does not agree with the Borough Engineer that the design is inadequate or that changes are necessary, Developer, within ten (10) business days of written notice of inadequacy from the Borough, may notify the Borough that the determination of inadequacy is disputed. If within twenty (20) business days of the date of written notice of inadequacy from the Borough, the Borough and Developer cannot agree on the changes, if any, necessary to the storm water management plans, Developer and the Borough shall jointly, by mutual agreement, appoint an independent professional engineer licensed as such in the Commonwealth to review the determination of adequacy of the storm water management plan and to determine the changes, if any, that are necessary. The determination by said professional engineer and the appointment of an engineer if the parties cannot agree on one shall be made in a manner consistent with that set forth with respect to fee reimbursement disputes in MPC Sections 510(g)(3) and (4) or any amendment to those statutory provisions. The fee of the appointed professional engineer shall be paid by the Borough if the independent engineer determines that Developer's existing or proposed revised storm water management plans are adequate. If the plans or revised plans are not adequate in the opinion of the independent professional engineer, Developer shall pay the fee of the appointed professional engineer and shall make all of the changes necessary to the

storm water management facilities. Developer shall obtain at its sole expense any necessary storm drainage easements. Developer and the Borough shall enter into a separate Storm Water Management Agreement and Declaration of Easement concerning the installation and maintenance of the storm water management facilities in a form and content acceptable to the Borough.

E. Curbs. Developer shall construct all curbs and curb depressions as shown on the Plans providing sufficient curb depressions for each building as shown thereon.

F. Park, Open Space and Recreational Area. Developer shall provide park, open space or recreational land area, a fee in lieu thereof or a combination of land and fees. The land or lands to be dedicated and/or the fee to be paid to the Borough shall be as indicated on Exhibit "C". The fee shall be paid prior to final approval of the Plans.

In consideration of certain modifications or accommodations granted by the Borough in connection with the Development, Developer waives its right to request the Borough to refund any of the recreation fees paid to the Borough under this Agreement if the Borough has failed to use the funds for the acquisition of or improvement to park and recreational land within three (3) years from the date of payment thereof. Developer specifically waives any right to a refund of any sum paid hereunder granted by Section 503(11) of the MPC or Section 705 of the Subdivision Ordinance. The Borough shall not be required to deposit any of the recreation fees paid under this Agreement into an account which clearly identifies specific recreational facilities for which the sums are intended.

The Borough may use the recreation fees for any purpose related to park, open space, and recreational land including, but not limited to, the purchase and improvement of land, the purchase of equipment, fees of consultants and engineers, and feasibility and other studies.

G. Plantings. Developer shall plant all trees, shrubs, lawns, and other landscaping materials as shown on landscaping plans filed with the Borough and, in addition thereto, shall comply with all screening and buffering requirements of Orwigsburg Borough Ordinances. Developer shall remove all unauthorized plantings within the rights-of-way of the Borough and refrain from the planting of any shrubbery or landscaping materials in any of the rights-of-way or intersection lines of sight as shown on the Plans.

H. Signs. Developer shall erect such street sign or signs, traffic control sign or signs, and no parking sign or signs within the Tract as shall be determined exclusively by the Borough. Such signs shall be of the type, size, and construction designated by the Borough and shall be paid for by the Developer. Developer shall erect all no parking signs required by the Borough prior to the issuance of the certificate of use and occupancy for the first dwelling unit constructed on the Tract. Developer shall also pay for the cost of any traffic studies if required to be performed under the Vehicle Code and any legal and advertising costs the Borough incurs to enact the necessary traffic ordinances in connection with the erection of such signs.

I. Other Improvements. The list of Borough Improvements and Sewer/ Water Improvements contained in Paragraphs 1.A. through 1.H. is not intended to encompass all of the Improvements required or shown on the Plans aforesaid. Developer shall install, construct or supply all other Improvements set forth on the Plans, listed on Exhibit "C" or required by Borough, County, State or Federal laws, ordinances, rules or regulations.

J. Capital Improvements. Developer and Borough expressly recognize that development of the Tract will have effects which cannot be addressed through the Improvements constructed and/or installed by Developer on the Tract. Developer and Borough also expressly realize that the effects of the development of the Tract will interact with existing conditions and other proposed and potential development within the Borough. Developer and Borough agree that development of the Tract will contribute to the need for the Improvements set forth on Exhibit "D" but that development of the Tract is not the sole cause of such need. In order to address the need for the Improvements set forth in Exhibit "D", Developer shall contribute the sums set forth in Exhibit "D" and/or install such Improvements as are indicated on Exhibit "D" and the Plans.

Developer acknowledges that the capital contributions and/or off-site improvements set forth in Exhibit "D" herein have not been required by the Borough as a condition of the approval of the Plans and are voluntarily made by Developer to address the effects of the proposed development. Developer acknowledges that the capital contributions set forth herein are not impact fees and are not governed by Article V-A of the MPC.

K. Payment of Fee in Lieu of Completion of Required Improvements. Developer acknowledges that certain Borough Improvements are required to be constructed by applicable Borough Ordinances, the installation of which Developer has requested the Borough to modify and/or to waive for reasons set forth in a request for a modification and/or waiver. In other cases, certain Borough Ordinances permit the Developer to make a contribution to the Borough in lieu of making the improvements. In order to enable the Borough to install such improvements at an appropriate future date, Developer has made a contribution to the Borough as set forth in Exhibit "E".

2. Conditions Precedent to Construction.

A. Before commencing construction of the Improvements, Developer shall submit to the Borough Engineer the specifications for materials to be used in such construction. Developer shall not proceed with any construction without the written approval of the Borough Engineer.

B. Unless the Borough specifically agrees otherwise in writing and Developer complies with all conditions imposed by the Borough with regard to the commencement of construction, the Borough shall not issue any zoning or building permits, and Developer shall not commence construction of the Improvements until:

- (1) Developer records the Plan according to law;
- (2) Developer presents evidence satisfactory to the Borough Solicitor that Developer has legal title to the Tract;
- (3) This Agreement is duly signed, acknowledged, and delivered;
- (4) Developer pays all fees required by Borough ordinances and regulations, including payment of legal and engineering fees and expenses incidental to review of the

Development;

(5) Developer pays all amounts due the Borough under Paragraphs 1(F) and/or 1(K);

(6) Developer provides Financial Security to the Borough and to the Pennsylvania Department of Transportation ("PennDOT"), as applicable; and

(7) Developer enters into the Utility Agreements.

3. Construction, Installation or Supply of Improvements in Accordance with the Specifications. Developer shall construct, install or supply all Borough Improvements and Sewer/Water Improvements in accordance with the requirements and specifications of the Borough, PennDOT, and the Pennsylvania Department of Environmental Protection ("DEP"), and all other laws, ordinances, rules and regulations of all duly constituted public authorities which shall have jurisdiction over the installation, construction, supply or maintenance of any Improvements. Developer shall install all utility lines in the Tract underground. Developer shall locate all underground structures and utilities which may be encountered during the construction of the Development, including but not limited to water, steam, oil and gas mains and lines, storm and sanitary sewers, telephone lines, cable television lines, electric conduits, and other underground installations, and shall make adequate provisions to protect the same from damage or disruption. In order to determine the location of the underground structures and utilities aforesaid, Developer shall arrange with the owners of such underground structures or utilities to assign a representative to mark the locations thereof. Developer shall pay the cost of determining the location and all other costs attendant with the identification and protection of all underground utilities in accordance with the provisions of the Act of December 10, 1974, P.L. 852, No. 287, as amended, 73 P.S. §176 et seq. Developer shall not enter upon, or occupy with workers, tools or materials, any private lands outside the Tract without the written permission of the owners of such private adjacent tracts having been obtained in advance.

4. Prior Notice to the Borough of Intent to Begin Ground Clearing. No grading, excavating, removing or destruction of top soil, trees or other vegetative cover of any kind nor changes in the contours of the Tract shall be made unless and until the Borough Engineer has been given seventy-two (72) hours' written notice of Developer's intention to do so. Upon receipt of such written notice, the Borough Engineer shall certify that all appropriate soil erosion and sedimentation control measures applicable to the specific work being initiated by Developer have been put into place. In addition, Developer shall have installed snow fencing or other barriers acceptable to the Borough Engineer to specify the limits of ground clearing so that trees and other vegetation not proposed to be affected by the construction of roads, buildings or other Improvements are not affected during the ground clearing process. The Borough Engineer shall not grant permission to grade and/or clear ground for any portions of the Tract on which soil and erosion control measures have not been fully installed. If it is the intention of Developer to clear lots on an individual basis, the notice required by this Paragraph shall be given to the Borough Engineer for each lot on which grading or tree clearing of any kind is necessary.

5. Soil Erosion, Sedimentation Control, and Control of Water Pollution. No changes shall be made in the contours of the Tract, and no grading, excavating, removing or destruction of topsoil, trees or other vegetative cover on the Tract shall be made until such time as a plan for minimizing soil erosion and sedimentation has been reviewed and approved by the Borough. Developer shall submit such a plan for minimizing soil erosion and sedimentation control to DEP or an agency approved by DEP. Developer shall deliver evidence of the approval of such plan to the Borough prior to the date of this Agreement, and Developer shall comply with the plan during the course of construction. Developer shall use all care possible to prevent siltation and other pollution of the

waters of the Commonwealth of Pennsylvania even if measures exceeding those set forth on approved plans prove necessary.

6. Inspections. The Borough shall have the right, at any time, to inspect any of the work to be performed on the Tract, and all such inspections may be made by the Borough through its employees or by consultants retained by the Borough to determine that the construction has been and is being carried out in compliance with the approved Plans, the specifications of the Borough and other duly constituted authorities, and this Agreement. Developer shall reimburse the Borough for all costs incurred in such inspections, and if Developer fails to do so, the Borough shall have the right to draw upon the Financial Security to reimburse itself for such costs.

7. Compliance by Contractors. Developer shall procure and be responsible for compliance by all of its contractors, subcontractors, and suppliers with all applicable Federal, State, County, PennDOT, DEP, and Borough statutes, ordinances, rules, and regulations in connection with any of the work on the Tract. Compliance shall include, but not be limited to, the procuring of all necessary permits and licenses in connection with the work to be done and the payment of all of the contributions, fees, premiums, and taxes required by such laws, ordinances, rules, and regulations.

8. Damage to Existing Streets, Drainage Structures or Other Facilities. In the event any existing Borough streets, drainage structures or other facilities are disturbed, subjected to excessive wear and tear, damaged or destroyed during the course of the development of the Tract, including but not limited to damages resulting from openings into streets to install underground facilities or resulting from travel or use by vehicles or construction equipment, Developer agrees, at its cost, to repair or, if necessary, replace such facilities.

9. Developer shall be responsible for all damage to the sanitary sewer system or public water system of the Borough which results from Developer's construction or development of the Tract and shall immediately repair all such damage.

10. Protection of Reasonable Access During Construction. At all times during the construction of the Development, Developer and its contractors and subcontractors as aforesaid, shall conduct their work in such manner as to insure that there is a minimum obstruction to traffic and that the convenience of the general public, the residences and/or the commercial or industrial establishments adjacent to the Tract are provided for in an adequate manner. No materials shall be stored upon any streets (whether or not such streets have yet been dedicated to or accepted by the Borough) unless such storage is absolutely necessary. Any materials which must be stored upon such streets shall be placed so as to cause as little obstruction to traffic as possible. Fire hydrants on or adjacent to the Tract shall be kept accessible to fire apparatus at all times, and no materials or obstructions shall be placed within fifteen (15) feet of any such hydrant. All storm drainage and storm sewer inlets shall be kept unobstructed at all times. Developer shall maintain such barricades and warning lights or flares as are necessary during the course of construction to protect traffic and the public in general. Any work in a street which is unfinished for any reason whatsoever shall be left in such a condition as to make the Tract accessible at all points to fire and other emergency apparatus.

11. Waste Materials and Maintenance of Sanitary Facilities During Construction. Developer shall collect and properly discard all waste material, such as paper, cartons and the like, and shall prevent the same from being deposited, and then either thrown or blown upon the lands adjacent to the Tract or upon the Tract itself. In addition, Developer shall require that all contractors, subcontractors, and material suppliers shall comply with the provisions of this Paragraph. All rubbish and unused materials and tools shall be removed promptly from the Tract and, as work

progresses, the Tract shall be carefully cleaned and kept clean of any rubbish or refuse. Developer shall maintain the Tract in a clean condition by removing all debris from the Tract or otherwise disposing of such debris in an appropriate fashion and with the prior approval of the Borough. If Developer or any of its contractors, subcontractors or material suppliers shall fail to comply with any of these conditions, the Borough shall have the right to enter upon the Tract and perform such cleaning and disposal with its own employees or with its contractors, and the Borough may draw upon Developer's Financial Security to reimburse itself for such expense.

12. Developer shall provide and maintain properly secluded sanitary conveniences in accordance with regulations of the Departments of Labor and Industry, Health and DEP for the use of the workers.

13. Snow Removal. During the period of construction and occupancy and unless and until the roads within the Development are deeded to and accepted by the Borough, Developer shall keep the roads cleared of snow. In default thereof, the Borough will at its option contract for the removal of snow as the Borough deems necessary to make the roads passable, and Developer shall reimburse the Borough for the expense thereof. If Developer fails to provide snow removal service and fails to reimburse the Borough for providing or contracting for such service, the Borough may draw upon Developer's Financial Security to reimburse itself for all costs incurred. The removal of snow by the Borough prior to acceptance of the roads shall not be considered an acceptance thereof.

14. Wetlands. Approval by the Borough of the Plans shall not be construed as compliance with the provisions of federal or state laws or regulations regarding building, dredging or filling in areas which are or may be deemed to be wetlands within the jurisdiction of the U. S. Army Corps of Engineers, the United States Environmental Protection Agency or DEP.

15. Construction Activities and Open Space. Except as may be specifically set forth on the Plans, Developer agrees that there shall be no construction, traffic or work on any open space area. Developer agrees that no dirt will be stockpiled on the open space, nor will the open space be altered from its original condition. No stumps, roots or debris will be buried in the open space. Developer agrees to do any necessary cleanup of the open space whether or not such land is proposed to be dedicated to the Borough.

16. Swales and Detention/retention Basins. All swale and detention/ retention basin construction required by the Plans to be done by Developer on the Tract or on the property of any third party shall be done prior to the construction or erection of any buildings or other improvements which will create water runoff intended to be controlled by any such swale or detention/retention basin. The construction of such swales or basins shall be done simultaneously with and in conjunction with the construction of other public or common improvements for the Development so that there can be a stabilization process before the erection and construction of any buildings.

17. Boundary Markers. The boundaries of the Tract shall be marked with permanent surveyor monuments. The monuments shall be placed at each corner of the Development and in such additional locations as the shape of the Tract requires for clear designation of all boundary lines. In addition, the corners of all lots within the subdivision shall be "pinned" in a manner deemed sufficiently permanent by the Borough Engineer. All such monuments and pins shall be placed by a registered surveyor and shall be visible when final grading has been completed and before any occupancy permit is issued. Developer shall provide the Borough with a plan showing the accurate placement of said monuments and pins which shall be certified by Developer's registered surveyor.

18. Street Numbers. Developer agrees that neither it nor its successors or assigns shall permit occupancy of any buildings erected on the Tract without placement of the address numbers of such buildings on the premises so erected.

19. Cable Television Service. Prior to final road surface application, Developer, its agents, servants, workers or employees, contractors, subcontractors, independent contractors, successors or assigns, shall arrange for the installation of cable television lines to service the Tract if the Tract is within the service area of a cable television company granted a franchise by the Borough. In the event that such installation must be postponed for any reason until after the lots, parcels or portions of the Tract are sold or if the Tract is not within a service area, Developer on behalf of itself, its successors or assigns, agrees that it, they, or any of them, will set aside or otherwise reserve an easement along and across the Tract for the installation of said service in the future.

20. Occupancy Permits. No structure shall be occupied until it and all of its appurtenances have been completed, all roads necessary for ingress and egress to the said structure have been completed to an extent which will permit unquestionable ease of access for emergency vehicles, and all of the other requirements of this Agreement and the Plans and other ordinances, laws, rules or regulations regarding such structure have been complied with, and the same have been inspected and approved by the Borough, and the Borough has issued an occupancy permit or permits therefor. Furthermore, no structure shall be occupied until provisions satisfactory to the Borough Engineer have been made (including but not limited to seeding and sodding) to prevent runoff of rain water, melting snow, etc., from being discharged onto adjacent lands or onto the street or pavement and to prevent such runoff from coming onto said lot, street or pavement from other adjacent lands. The provisions of this Paragraph shall not prevent occupancy where the asphalt base course of any roadway or easement is constructed to the extent required by the Borough and Developer desires to delay the top surfacing of said roadway until the end of the term in which the improvements are required to be completed.

21. Failure to Proceed. If Developer fails to prosecute the work of the development with promptness and diligence, or fails in the performance of any of the provisions contained in this Agreement, the Borough shall give to Developer written notice of such default. In the event Developer does not commence to correct such default within two (2) business days of such notice, and thereafter to diligently continue to correct such default, the Borough shall have the right to secure materials of the quality and quantity required by this Agreement and the Plans and the necessary numbers of workers, mechanics, and the required equipment in the open market at the then current market prices, from any party or parties, to cure such default. Provided, however, if the Borough shall determine that curing such default shall require the Borough to undertake completion of the Improvements, the procedures and time limits of Paragraph 23(A) shall apply.

22. If the Borough secures workers, mechanics, and equipment in the open market to carry forward such work, the Borough shall have the right to take possession of all materials, tools, appliances, and equipment on the Tract intended for use in the performance of this Agreement for

the purpose of including them in the, and Developer hereby assigns to the Borough all of its right, title and interest in and to such materials, tools, appliances, and equipment for use in the completion of the Improvements.

23. All workmanship and materials incorporated in the Improvements shall be subject to inspection, examination, and testing at any time and at all times during the installation or construction and at any and all places where such installation or construction is carried on. The Borough shall have the right to reject defective materials and workmanship; and such workmanship shall be satisfactorily corrected, and rejected materials, equipment, and other articles shall be replaced. If Developer fails to proceed at once with the replacement of rejected materials, equipment or articles or the correction of any defective workmanship, the Borough may proceed with the work as provided in this Paragraph.

24. Insurance/Indemnification. Developer agrees to defend, indemnify and hold harmless the Borough and its officers, agents, and employees from and against all claims, damages, liability, losses, and expenses, including attorneys' fees and costs of investigation, arising out of or resulting from (a) the performance of the work on the Tract, (b) the approval of the Borough Improvements and Sewer/Water Improvements or Plans, (c) the granting of any permit or approval, (d) the rough grading and final grading of the land within the Tract, and (e) as a result of any water or storm drainage runoff from the Tract. Developer assumes all risks and shall bear all loss resulting from any injury to property or persons occasioned by neglect or accident during the progress of development of the Tract. Developer shall obtain and maintain, at all times during the course of construction, comprehensive general liability insurance with minimum limits of liability with respect to bodily injury of at least \$500,000.00 for each person, \$1,000,000.00 for each occurrence, and \$250,000.00 with respect to property damage for each occurrence. The said insurance shall contain a provision prohibiting its cancellation by the carrier without thirty (30) days' prior written notice of such cancellation to the Borough. Prior to the commencement of any construction, Developer shall deliver to the Borough a certificate issued by an insurance company, reasonably satisfactory to the Borough, indicating that Developer has obtained comprehensive general liability insurance in accordance with the provisions of this Agreement, that the Borough has been named as an additional insured, and that premiums for the said insurance have been paid in advance for the entire period covered by said insurance. At least thirty (30) days prior to the expiration date(s) of the said insurance, Developer shall deliver to the Borough a certificate of insurance indicating that the said policy or policies have been renewed and that the premiums for the renewal period have been paid in advance. During the construction period, Developer shall have the right to substitute other insurance policies containing the same provisions as the original policies, provided however, that all such policies shall be in a form and issued by insurance companies reasonably acceptable to the Borough, and the Borough shall at all times be indicated as an additional insured.

25. In the event that a third party, his agents, servants, employees, heirs, assigns or grantees should institute any legal action whatsoever against the Borough, its officers, agents, servants or employees for the hereinbefore stated reasons, Developer hereby agrees to further pay any and all attorneys' fees, engineering fees, court costs or any other expenses whatsoever incurred by the Borough, its officers, agents, servants or employees in regard thereto. Developer agrees that if suit is brought by the Borough against Developer to enforce this Agreement, Borough shall be entitled to collect from Developer, provided that Borough shall prevail in its suit, all reasonable costs and expenses of suit, including reasonable attorneys' fees.

26. Financial Security.

A. Financial Security.

(1) The term "Financial Security" shall have the same meaning as provided by Section 509 of the MPC.

(2) Developer shall provide the Borough with Financial Security to secure the completion of the Borough Improvements and capital contributions set forth in Exhibits "C", "D", and "E", the cost and/or amounts of which Borough Improvements are set forth in Exhibit "F" attached hereto and incorporated herein, in the following form (check applicable Financial Security):

_____ irrevocable letter of credit
_____ cash escrow agreement

in accordance with the requirements of MPC Section 509. The terms and conditions of the Financial Security are subject to the approval of the Borough Solicitor.

B. Amount of Financial Security. Developer agrees that the estimated cost of the Borough Improvements is _____ Dollars (\$ _____) as set forth on Exhibit "F" attached hereto. Developer shall present to the Borough Financial Security in the sum of _____ Dollars (\$ _____) in a form acceptable to the Borough Solicitor, which sum is one hundred ten (110%) percent of the estimated cost of the Borough Improvements, calculated in the manner provided in MPC Section 509. The amount of the financial security has been computed to reflect the costs which will be incurred by the Borough, including but not limited to the costs of public bidding and Pennsylvania Prevailing Wage Act requirements, if the Borough is required to complete the Borough Improvements upon a default by Developer. Developer agrees that the Financial Security is to be held and released in accordance with the provisions of this Agreement.

C. Periodic Withdrawals from the Financial Security Upon Completion of the Borough Improvements. As Developer completes the various segments or categories of the Borough Improvements, it may certify to the Borough that such Borough Improvements have been completed in accordance with the terms of this Agreement and the Plans. The Borough Engineer shall inspect the segments or categories of Borough Improvements which Developer alleges have been completed. If the Borough Engineer shall determine that the said Borough Improvements have been completed in accordance with this Agreement and the Plans, the Borough Engineer shall certify to the Borough that portion of the Financial Security which is appropriate for release. No amount requested to be released by Developer shall exceed ninety (90%) percent of the value of the Borough Improvements alleged to have been completed nor shall such release result in the reduction of the total remaining fund to an amount less than one hundred ten (110%) percent of the estimated cost of the work remaining to be completed. Upon receipt of the written certification of the Borough Engineer, the Borough shall release that portion of the Financial Security. If, at any time during the work, the Borough Engineer believes that the funds necessary to complete the Borough Improvements are in excess of the amount then held as Financial Security, the Borough Engineer shall so notify the Borough and Developer, and Developer shall provide such additional Financial Security as the Engineer determines to be needed to complete the Borough Improvements. In lieu of the provision of additional Financial Security, the Borough Engineer may require that any funds then due to be released to pay for completed Borough Improvements shall continue to be held as Financial Security so that at all relevant times the Financial Security equals one hundred ten (110%) percent of the estimated cost of the work

necessary to complete the Borough Improvements.

27. Escrow for Reimbursement of Borough Expenses. Developer shall deposit with the Borough the sum of _____ Dollars (\$_____) (the "Escrow Fund"). The Escrow Fund shall be used to reimburse the Borough for all engineering and inspection fees and for all attorneys' fees incurred in connection with the preparation of this Agreement, the preparation and recording of deeds of dedication, the review of Financial Security, and any other legal expenses which the Borough may incur in the furtherance of the development of the Tract. Developer hereby irrevocably authorizes the Borough to withdraw from time to time any monies deposited in the Escrow Fund by Developer in order to pay expenses and fees incurred by the Borough. At such point as the Escrow Fund has been reduced to the sum of _____ Dollars (\$_____) or less as a result of withdrawals as herein provided, then, and in that event, and at that time, the Borough shall bill Developer an amount sufficient to restore the Escrow Fund to the sum of _____ Dollars (\$_____). In the event the Escrow Fund is insufficient at any time to pay such costs, the Borough shall bill Developer for the actual or anticipated additional costs. In the event the Escrow Fund is in excess of the Borough's costs, the Borough shall refund such excess monies, without interest, to Developer upon completion of the development of the Tract.

28. Default by Developer.

A. Installation of Borough Improvements. If the Borough determines that Developer has failed to construct or install the Borough Improvements in accordance with the Plans and its obligations under this Agreement and the Borough shall desire to undertake the completion of the Borough Improvements, the Borough shall notify Developer of its intention to undertake the completion of the Borough Improvements in accordance with the Plans. Developer shall have twenty (20) days from the date of receipt of said notice in which to notify the Borough in writing whether it will undertake the completion of the Borough Improvements in accordance with the Plans. If Developer does not notify the Borough of its intent to undertake completion of the Borough Improvements within twenty (20) days, it will be conclusively presumed Developer has agreed to make the remainder of the Financial Security available to the Borough to pay for the costs of the completion of the Borough Improvements in accordance with the Plans. If the proceeds of the Financial Security are insufficient to pay the cost of installing or making repairs or corrections to all of the Borough Improvements covered by this Agreement, the Borough may, at its option, install part of such Borough Improvements in all or part of the Development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the Borough Improvements. In all cases, Developer shall be responsible for one hundred (100%) percent of the costs of the installation of the Borough Improvements plus all related expenses, including such reasonable attorneys' fees as may be incurred by the Borough in enforcing the provisions of this Agreement against Developer.

B. Confession of Judgment.

(1) Developer agrees that in the event of any default under the terms of this Agreement, Borough may cause judgment to be entered against Developer, and for that purpose Developer authorizes and empowers the Borough or any prothonotary, clerk of court or attorney of any court of record to appear for and confess judgment against Developer and agrees that Borough may commence an action pursuant to the Pennsylvania Rules of Civil Procedure for the recovery from Developer of all damages provided for herein, as well as for interest and costs and attorneys' fees, for which authorization to confess judgment this Agreement, or a true and correct copy thereof, shall be sufficient warrant. Such judgment may be confessed against Developer for the amount of damages provided herein, as well as for interest, costs, and an attorneys' commission in the amount of fifteen (15%) percent of the full amount of the Borough's claim against Developer. Notwithstanding the foregoing attorneys' commission, which is included for the purpose of establishing a sum certain in the event of confession of judgment, the attorneys' fees recoverable by the Borough shall not exceed the actual fees incurred by the Borough. Neither the right to institute an action pursuant to said Pennsylvania Rules of Civil Procedure nor the authority to confess judgment granted herein shall be exhausted by one or more exercises thereof, but successive complaints may be filed and successive judgments may be entered for the aforesaid damages as they are incurred under the provisions of this Agreement.

(2) In any proceeding or action to enter judgment by confession for money pursuant to the above paragraph, if the Borough shall first cause to be filed in such action an affidavit or averment of the facts constituting the default, the occurrence of the condition precedent or the event, the happening of which default, occurrence or event authorizes and empowers the Borough to cause the entry of judgment by confession, such affidavit or averment shall be conclusive evidence of such facts, defaults, occurrences, conditions precedent or events, and if a true copy of this Agreement be filed in such procedure or action, it shall not be necessary to file the original as a warrant of attorney, any rule of court, custom or practice to the contrary notwithstanding.

(3) Developer hereby releases the Borough and any and all attorneys who may appear for the Borough from all errors in any procedure or action to enter judgment by confession by virtue of the warrant of attorney contained in this Agreement, and all liability therefor. Developer further authorizes the prothonotary or any clerk of any court of record to issue a writ of execution or other process and further agrees that real estate may be sold on a writ of execution or other process.

C. Withholding of Permits By Borough. If the Borough has given the Developer the notification of a default required by Subparagraph A above and if Developer has failed to provide the Borough with written notice of its intent to undertake completion of the Borough Improvements or has thereafter failed to diligently undertake the completion of such improvements, the Borough shall in addition to the remedies in Subparagraphs A and B be authorized to withhold all permits and/or certificates of use and occupancy for lots or units of occupancy within the Tract. Developer also expressly agrees that the Borough shall be authorized to withhold permits and certificates of use and occupancy for any failure by Developer to complete any improvement listed in the Exhibits, to install signs (including no parking signs) required by the Borough or to make any capital contribution set forth in the Exhibits. The Borough may also refuse to issue any permit or grant any approval for the reasons set forth in the MPC.

28. Date of Completion.

A. Developer shall complete all of the Borough Improvements on or before _____, _____ 20 _____. In the event that the Borough Improvements are not completed by such date, or in the event that Developer is otherwise in default of this Agreement, then any undrawn funds remaining under the Financial Security shall, upon draw by Borough, be paid to Borough. Upon such payment, such funds shall be used and applied by Borough for the purposes of paying the cost of completing the Borough Improvements and for such other costs as are described herein. In completing said Borough Improvements, Borough may, at its option, have such Borough Improvements completed by Developer or by independent contractors or by Borough employees or by any combination of the foregoing, as Borough may elect.

B. The Borough Improvements shall not be deemed to be completed until Borough accepts by resolution the Certificate of Final Completion issued by the Borough Engineer certifying that the Borough Improvements have been satisfactorily completed in accordance with the terms of this Agreement. This Certificate of Final Completion shall be signed by Developer, the Borough Engineer, and the Borough Secretary.

C. In the event that Developer requires more than one (1) year to complete the required Borough Improvements, the Borough may adjust the amount of Financial Security by comparing the actual cost of the Borough Improvements which may have been completed and the estimated cost for the completion of the remaining Borough Improvements as of the expiration of the ninetieth (90th) day after the date scheduled for completion of the Borough Improvements. Developer shall provide additional Financial Security, if necessary, in order that the posted Financial Security shall equal one hundred ten (110%) percent of the cost of completing the required Borough Improvements as reestablished at that time.

29. Dedication of Certain Improvements.

A. Sanitary Sewer Facilities. When all sanitary sewer facilities are satisfactorily installed on the Tract, those portions which are deemed necessary for the operation of or addition to the Borough or Borough sewer system shall be dedicated by Developer to the Borough or Borough consistent with the applicable Utility Agreement. Developer shall comply with the provisions of the Utility Agreement with the Borough.

B. Water Facilities. When all water facilities are satisfactorily installed on the Tract, those portions which are deemed necessary for the operation of or addition to the Borough's water system shall be dedicated by Developer to the Borough consistent with the applicable Utility Agreement. Developer shall comply with the provisions of the Utility Agreement with the Borough.

C. Streets and Other Improvements. When all of the Borough Improvements are completed to the satisfaction of the Borough and certified as such by the Borough Engineer, Developer shall commence the process to dedicate the roads, rights-of-way, and recreational areas, as applicable, as shown on the Plans to be dedicated to the Borough or PennDOT, as appropriate. Developer shall provide legal descriptions of the areas which have been so dedicated to the Borough for the preparation of the Deeds of Dedication. The Deeds of Dedication shall be prepared or approved by the Borough Solicitor and executed by Developer or the appropriate landowner for the transfer of the same to the Borough or PennDOT. Prior to the acceptance of the Deeds of Dedication, Developer shall furnish to the Borough, at Developer's expense, a commitment for title insurance issued by a title insurance company reasonably acceptable to the Borough, indicating that the areas to be conveyed are free and

clear of all encumbrances, restrictions, easements or covenants of any nature. Such commitment and title insurance policy, to be issued to the Borough at the time of the acceptance of the Deeds, shall be in an amount satisfactory to the Borough and shall be paid for by Developer. Developer shall also provide plans and specifications of such streets or other facilities as may be required by the Borough Solicitor. Developer shall also be entirely responsible for any transfer tax which may be assessed by virtue of the Deeds or other documents of title conveying the Borough Improvements or any associated easements to the Borough. Dedication of roads shall comply with all applicable provisions of the Second Class Borough Code and the Ordinances of the Borough or the regulations of PennDOT, as applicable. Developer shall reimburse the Borough for all costs associated with the acceptance of such Borough Improvements, and if Developer fails to do so, the Borough may draw upon Developer's Financial Security to reimburse itself for all costs incurred. A schedule of all the Borough Improvements proposed to be dedicated upon completion is attached hereto as Exhibit "G".

30. Maintenance Security. Developer acknowledges that, pursuant to MPC Section 509, the Borough is entitled to require the posting of Financial Security to secure the structural integrity of the Borough Improvements, as well as the functioning of said Borough Improvements, which are to be dedicated to the Borough in accordance with the design and specifications as depicted on the final Plans (the "Maintenance Security"). This posting of Maintenance Security shall be for a period of eighteen (18) months from the date of the acceptance of the dedicated public improvements. Developer agrees that, simultaneously with the offering of deeds of dedication, Developer will supply Maintenance Security in the form authorized by the statute aforesaid and acceptable to the Borough Solicitor in an amount equal to fifteen (15%) percent of the actual costs of installation of said Borough Improvements, said security being posted for a period of eighteen (18) months to guarantee the structural integrity of the Borough Improvements as aforesaid. A condition to the Maintenance Security to be posted herein shall be that Developer shall, for the period of eighteen (18) months as aforesaid, repair and maintain such Borough Improvements and construct and make good and replace all materials, equipment, and work, and remedy all defects in materials, equipment, and workmanship, all shrinkage, settlement, and other defaults of any kind whatsoever arising therefrom at its own expense, and to the satisfaction of the Borough, when notified in writing to do so.

31. Developer agrees that the Borough shall have the right to make or cause to be made good or replace all inferior materials, equipment, and workmanship, and remedy all defects in materials, equipment, and workmanship, and all shrinkage, settlement or other faults of any kind whatsoever arising therefrom in case Developer shall fail or refuse to do so in accordance with the terms of this Agreement. In the event that the Borough should exercise and give effect to such rights, Developer shall be liable hereunder to pay and indemnify the Borough upon completion for the final cost thereof to the Borough, including but not limited to engineering, legal, and any associated costs, together with any damages, either direct or consequential, which the Borough may sustain as a result of the failure of Developer to carry out and execute all of the provisions of this Agreement.

32. In addition to any maintenance security required by the Borough, Developer shall provide any maintenance guarantees required by PennDOT.

33. "As Built" Plans. Upon the completion of all of the Borough Improvements and all of the structures to be constructed within Tract, Developer shall cause its registered professional engineers to certify the Plans and supply "as built" plans to the Borough for all streets, storm water management facilities, and any other Improvements to be dedicated to the Borough. If requested by the Borough, Developer shall cause its registered professional engineers to certify the Plans and supply "as built" plans to the Borough for the Sewer/Water Improvements.

34. Right to Connect to Storm, Sanitary Sewer, and Water Systems. Developer, on behalf of itself, its successors and assigns, irrevocably grants to the Borough, and all others approved by the Borough the right to connect storm sewer lines at any time to the storm drainage system to be constructed by Developer within the Tract aforesaid or adjacent thereto and to connect to the sanitary sewer lines and water mains constructed by Developer within the Tract aforesaid or adjacent thereto.

35. Compliance with All Approvals. Developer shall comply in all respects with all conditions of all approvals relating to the development of the Tract. Such compliance shall include, but shall not be limited to:

A. Compliance with all conditions the Borough Council has imposed upon requested waivers from requirements of the Subdivision Ordinance.

B. Compliance with all conditions the Borough Council has imposed upon approval of the Plans under the Subdivision Ordinance.

C. Compliance with all requirements of the Plans, including but not limited to all notes on the Plans.

D. Compliance with all conditions imposed by the Borough Council upon the granting of any conditional use.

E. Compliance with any conditions imposed by the Zoning Hearing Board.

35. Fees and Costs. Developer shall pay to the Borough the following:

A. All inspection and engineering fees incurred by the Borough during the course of construction of the Development.

B. All recording fees and applicable transfer taxes (if any).

C. All attorneys' fees and costs incurred by the Borough for the negotiation, preparation, recording or enforcement of this Agreement, the review of Financial Security, the acceptance of any public improvements, including streets, the review of the Plans or any other legal expenses which the Borough may incur in the furtherance of the development of the Tract.

If Developer fails or refuses to pay such fees and costs after receipt of an invoice therefor, the Borough may draw upon Developer's Financial Security to reimburse itself for such fees and costs.

36. Approval. Provided that Developer complies with all of its obligations at the time of the execution of this Agreement and the Plans are in conformity with all applicable laws and regulations, the Borough shall approve the Plans.

37. Notices. All notices or other communications required to be given under the terms of this Agreement shall be in writing and shall be sent by certified mail return receipt requested, postage prepaid, addressed as follows:

A. If to the Developer, addressed to:

B. If to the Borough, addressed to:

Orwigsburg Borough Council
209 North Warren Street
PO Box 128
Orwigsburg, PA 17961

With a copy to:

or to such other address or addresses and to the attention of such other person or persons as any of the parties may notify the other in accordance with the provisions of this Agreement.

38. Covenants Running with the Land. This Agreement may be recorded in the Recorder of Deeds' Office in and for Schuylkill County, Pennsylvania, if the Borough so desires, at the expense of Developer. The provisions of this Agreement shall be binding on and inure to the benefit of the heirs, legal representatives, assigns, grantees, lessees, and successors of the parties hereto and shall constitute covenants running with the land.

39. IN WITNESS WHEREOF, the Borough of Orwigsburg and _____ have caused this Agreement to be duly executed as of the day and year first above written.

BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

Attest: _____
Secretary

By: _____
(Vice) Chairman
Borough Council

[BOROUGH SEAL]

Developer

Attest: _____
Witness

By: _____
Developer

APPENDIX NO. 18

LETTER OF CREDIT

NAME OF INSTITUTION
IRREVOCABLE UNCONDITIONAL LETTER OF CREDIT

TO: Orwigsburg Borough Council

DATE: _____, 20____

FROM: _____

ON BEHALF OF: _____ [Owner-Developer]

The _____ Bank (hereinafter called "Bank") hereby issues to the Orwigsburg Borough Council (hereinafter called "Issuee") on behalf of _____ (hereinafter called "Benefactor"), an irrevocable unconditional letter of credit (hereinafter called "Letter") in the amount of _____ dollars (\$_____).

This letter is issued on behalf of Benefactor and intended for the sole purpose of: securing improvements in the Borough of Orwigsburg described in Plans of Benefactor pursuant to LAND DEVELOPMENT AGREEMENT between Issuee and Benefactor.

THIS LETTER EXPIRES _____, 20____, or upon Bank's receipt of written notification from Issuee of said fact, whichever shall occur first.

PARTIAL DRAWINGS are permitted but the aggregate total may not exceed the amount stated above.

PAYMENT (S) in five (5) days on this Letter will be available by your draft (s) along with a copy of certified Resolution of your Borough Council that Benefactor has defaulted in his obligation to you the Issuee.

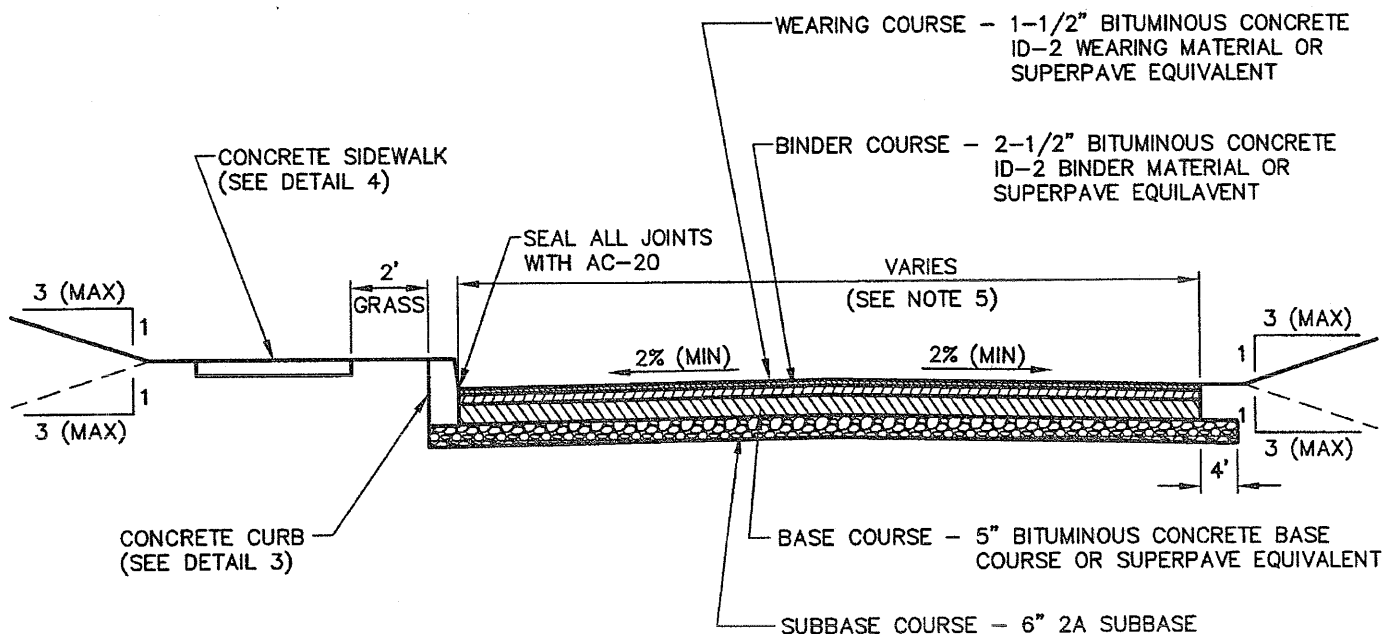
APPENDIX NO. 19 DETERMINATION OF SIGHT DISTANCES

FORMULA SIGHT DISTANCES (WHOLE FEET)

<u>Speed (V)</u> <u>(Miles Per Hour)</u>	<u>Grade (G)</u> <u>(Percent)</u>										
	<u>0</u>	<u>+1</u>	<u>+2</u>	<u>+3</u>	<u>+4</u>	<u>+5</u>	<u>+6</u>	<u>+7</u>	<u>+8</u>	<u>+9</u>	<u>+10</u>
<u>25</u>	<u>147</u>	<u>146</u>	<u>144</u>	<u>143</u>	<u>142</u>	<u>141</u>	<u>140</u>	<u>139</u>	<u>138</u>	<u>137</u>	<u>136</u>
<u>30</u>	<u>196</u>	<u>194</u>	<u>192</u>	<u>190</u>	<u>188</u>	<u>186</u>	<u>184</u>	<u>182</u>	<u>180</u>	<u>179</u>	<u>177</u>
<u>35</u>	<u>249</u>	<u>246</u>	<u>243</u>	<u>239</u>	<u>237</u>	<u>234</u>	<u>231</u>	<u>229</u>	<u>226</u>	<u>224</u>	<u>222</u>
<u>40</u>	<u>314</u>	<u>309</u>	<u>304</u>	<u>300</u>	<u>296</u>	<u>292</u>	<u>288</u>	<u>284</u>	<u>281</u>	<u>278</u>	<u>274</u>
<u>45</u>	<u>384</u>	<u>377</u>	<u>370</u>	<u>364</u>	<u>359</u>	<u>353</u>	<u>348</u>	<u>343</u>	<u>339</u>	<u>335</u>	<u>330</u>
<u>50</u>	<u>462</u>	<u>453</u>	<u>445</u>	<u>437</u>	<u>429</u>	<u>422</u>	<u>416</u>	<u>409</u>	<u>403</u>	<u>398</u>	<u>393</u>
<u>55</u>	<u>539</u>	<u>528</u>	<u>519</u>	<u>508</u>	<u>499</u>	<u>491</u>	<u>483</u>	<u>475</u>	<u>468</u>	<u>461</u>	<u>455</u>

	<u>0</u>	<u>-1</u>	<u>-2</u>	<u>-3</u>	<u>-4</u>	<u>-5</u>	<u>-6</u>	<u>-7</u>	<u>-8</u>	<u>-9</u>	<u>-10</u>
<u>25</u>	<u>147</u>	<u>149</u>	<u>150</u>	<u>152</u>	<u>154</u>	<u>155</u>	<u>157</u>	<u>160</u>	<u>162</u>	<u>164</u>	<u>167</u>
<u>30</u>	<u>196</u>	<u>199</u>	<u>202</u>	<u>204</u>	<u>207</u>	<u>211</u>	<u>214</u>	<u>218</u>	<u>222</u>	<u>226</u>	<u>231</u>
<u>35</u>	<u>249</u>	<u>253</u>	<u>257</u>	<u>261</u>	<u>255</u>	<u>270</u>	<u>275</u>	<u>280</u>	<u>286</u>	<u>292</u>	<u>299</u>
<u>40</u>	<u>314</u>	<u>319</u>	<u>325</u>	<u>331</u>	<u>338</u>	<u>345</u>	<u>353</u>	<u>361</u>	<u>370</u>	<u>379</u>	<u>390</u>
<u>45</u>	<u>384</u>	<u>391</u>	<u>399</u>	<u>407</u>	<u>416</u>	<u>425</u>	<u>436</u>	<u>447</u>	<u>459</u>	<u>473</u>	<u>487</u>
<u>50</u>	<u>462</u>	<u>472</u>	<u>482</u>	<u>493</u>	<u>505</u>	<u>518</u>	<u>531</u>	<u>547</u>	<u>563</u>	<u>581</u>	<u>601</u>
<u>55</u>	<u>539</u>	<u>550</u>	<u>563</u>	<u>576</u>	<u>590</u>	<u>606</u>	<u>623</u>	<u>641</u>	<u>661</u>	<u>683</u>	<u>707</u>

APPENDIX NO. 20
STANDARD CONSTRUCTION DETAILS



NOTES:

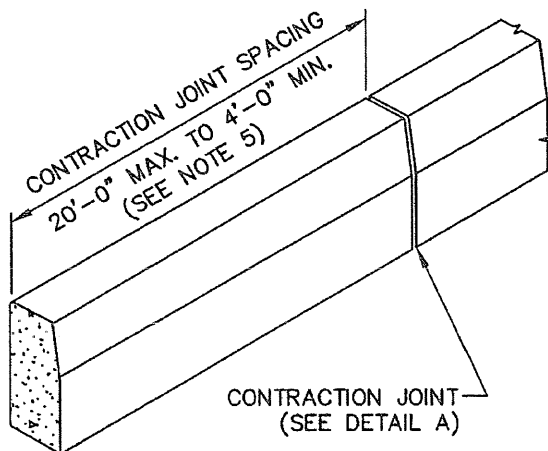
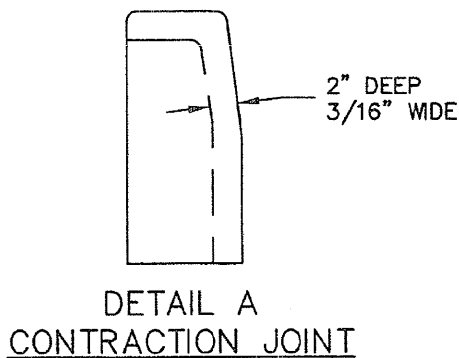
- EXCEPT WHERE CURBS ARE TO BE INSTALLED, THE SUBBASE FOR ALL PROPOSED ROADS SHALL EXTEND FOUR FEET (4') BEYOND THE EDGE OF THE PAVED CARTWAY.
- THE MAXIMUM LIFTS FOR THE INSTALLATION OF BITUMINOUS MATERIAL SHALL BE FOUR INCHES (4") FOR BASE COURSES, THREE INCHES (3") FOR BINDER COURSES AND TWO INCHES (2") FOR WEARING COURSES.
- ALL VERTICAL PAVEMENT JOINTS SHALL BE STAGGERED BY A MINIMUM DISTANCE OF ONE FOOT (1').
- TACK COAT SHALL BE APPLIED AS DIRECTED BY THE BOROUGH ENGINEER.
- LOCAL ROADS SHALL HAVE A CARTWAY WIDTH OF THIRTY SIX FEET (36') WITH CURB OR THIRTY FEET (30') WITH FOUR FOOT (4') SHOULDERS. LEGAL RIGHT-OF-WAY WIDTH SHALL BE FIFTY FEET (50').

REVISIONS	TYPICAL PAVING SECTION - LOCAL ROADS	PROJECT NO.
	STANDARD SPECIFICATIONS	ORW01-08
	ORWIGSBURG BOROUGH	DETAIL
	SCHUYLKILL COUNTY, PENNSYLVANIA	1
	HANDOVER ENGINEERING	
	ASSOCIATES, INC.	
	20C SNYDER LANE	
	EPHRATA, PA 17522-9101	
	(717) 721-7444	

The diagram illustrates a cross-section of a road shoulder and pavement structure. On the left, a concrete sidewalk (referenced to Detail 4) is shown with a 2-foot wide grass strip adjacent to it. A concrete curb (referenced to Detail 3) separates the sidewalk from the pavement. The pavement structure consists of several layers: a base course (6 inches of bituminous concrete base course or superpave equivalent), a subbase course (6 inches of 2A subbase), and a binder course (3 inches of bituminous concrete ID-2 binder material or superpave equivalent). The top layer is the wearing course (1-1/2 inches of bituminous concrete ID-2 wearing material or superpave equivalent). The total thickness of the pavement structure varies, as noted in Note 5. The diagram also shows a 2% minimum slope for the pavement surface and a 4-foot wide shoulder. The concrete curb is shown with a 3 (MAX) height and a 1 (MAX) width. The grass strip is 2 feet wide. The concrete sidewalk is shown with a 3 (MAX) height and a 1 (MAX) width. The concrete curb is shown with a 3 (MAX) height and a 1 (MAX) width. The concrete curb is shown with a 3 (MAX) height and a 1 (MAX) width.

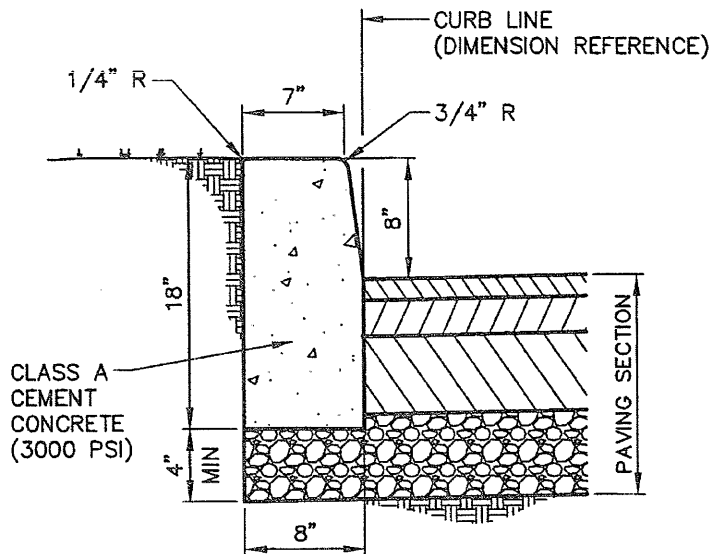
Labels and dimensions in the diagram include:

- WEARING COURSE - 1-1/2" BITUMINOUS CONCRETE ID-2 WEARING MATERIAL OR SUPERPAVE EQUIVALENT
- BINDER COURSE - 3" BITUMINOUS CONCRETE ID-2 BINDER MATERIAL OR SUPERPAVE EQUIVALENT
- BASE COURSE - 6" BITUMINOUS CONCRETE BASE COURSE OR SUPERPAVE EQUIVALENT
- SUBBASE COURSE - 6" 2A SUBBASE
- CONCRETE SIDEWALK (SEE DETAIL 4)
- CONCRETE CURB (SEE DETAIL 3)
- GRASS
- 2'
- SEAL ALL JOINTS WITH AC-20
- VARIABLES (SEE NOTE 5)
- 2% (MIN)
- 4'
- 3 (MAX)
- 1
- 3 (MAX)

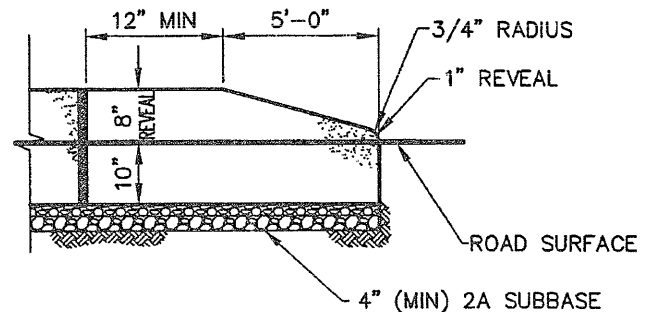


NOTES:

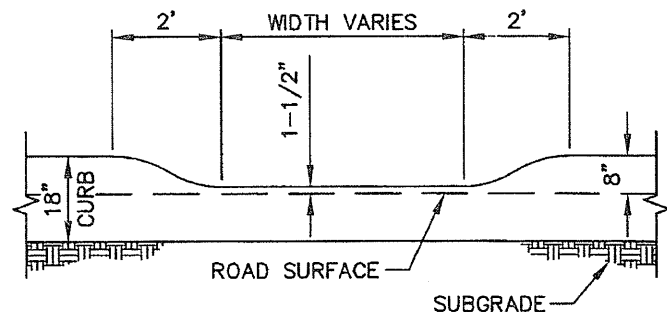
1. MATERIALS AND CONSTRUCTION SHALL MEET THE REQUIREMENTS OF PUBLICATION 408, SECTION 630.
2. USE ACCEPTABLE METAL FORMS, EXCEPT ON SHARP CURVES AND SHORT TANGENT SECTIONS, WHERE WOOD FORMS MAY BE USED. USE FORMS WHICH WILL NOT DISCOLOR THE CONCRETE.
3. PLACE CONCRETE IN THE FORMS IN LAYERS NOT EXCEEDING 5" IN DEPTH WHEN SPADING, OR LAYERS NOT EXCEEDING 15" IN DEPTH WHEN USING A VIBRATOR TO ELIMINATE VOIDS. PROVIDE DRAINAGE OPENINGS THROUGH THE CURB, AT THE ELEVATION AND OF THE SIZE REQUIRED, WHERE INDICATED OR DIRECTED. SMOOTHLY AND EVENLY FINISH THE TOP SURFACE OF THE CURB, USING A WOOD FLOAT.
4. THE CONCRETE CURB MAY BE PLACED WITH AN ACCEPTABLE, SELF PROPELLED MACHINE.
5. SPACE CONTRACTION JOINTS IN UNIFORM LENGTHS OR SECTIONS.
6. PLACE 3/4" PREMOLDED EXPANSION JOINT FILLER MATERIAL AT STRUCTURES AND AT THE END OF THE WORK DAY. CUT MATERIAL TO CONFORM TO AREA ADJACENT TO CURB OR TO CONFORM TO CROSS SECTIONAL AREA OF CURB



TYPICAL CROSS SECTION

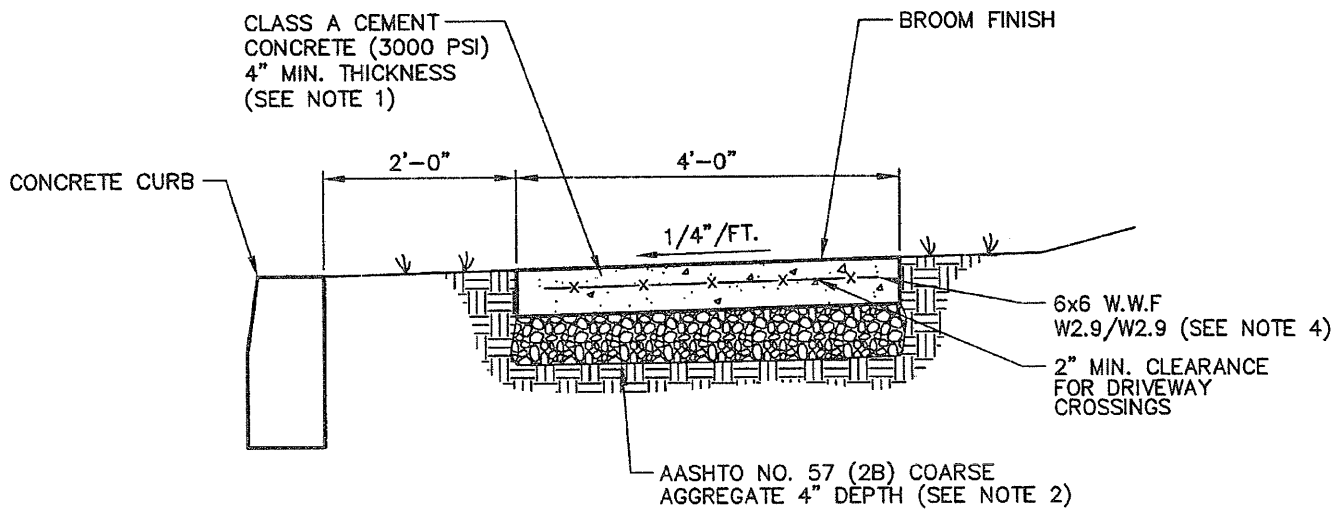


END TRANSITION



TYPICAL DRIVEWAY DEPRESSED CURB

REVISIONS	CONCRETE CURB	PROJECT NO.
	STANDARD SPECIFICATIONS	ORW01-08
	ORWIGSBURG BOROUGH	DETAIL
	SCHUYLKILL COUNTY, PENNSYLVANIA	3
	HANDOVER ENGINEERING ASSOCIATES, INC.	20C SNYDER LANE EPHRATA, PA 17522-9101 (717) 721-7444

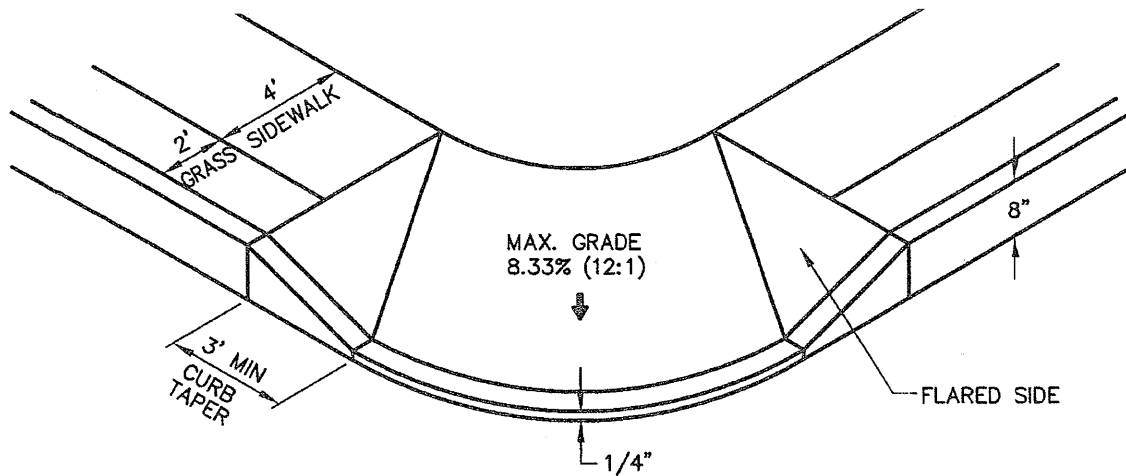


NOTES:

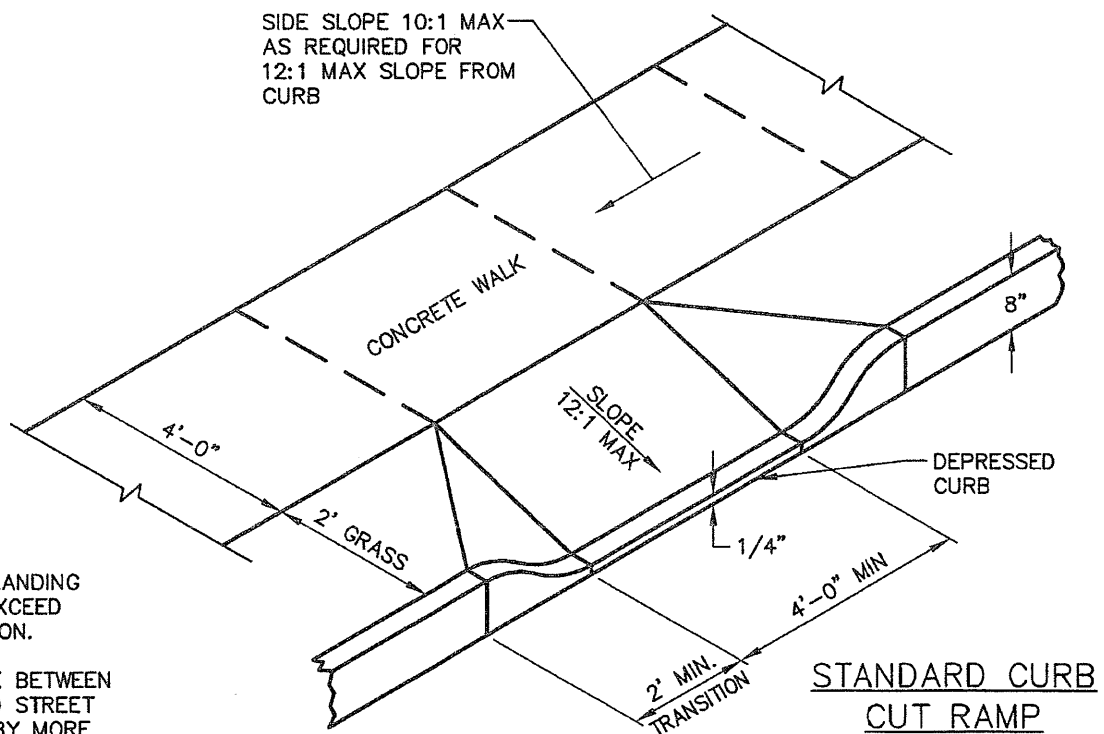
1. SIDEWALK SHALL HAVE A MINIMUM THICKNESS OF 4" WHERE USED SOLELY FOR PEDESTRIAN TRAFFIC AND A MINIMUM THICKNESS OF 6" AT ALL DRIVEWAYS.
2. AT DRIVEWAY LOCATIONS, THE DEPTH OF COARSE AGGREGATE MATERIAL SHALL BE 6".
3. MAXIMUM LENGTH OF SECTIONS SHALL BE 10'.
4. IF APPROVED BY THE BOROUGH, FIBERGLASS-REINFORCED CONCRETE MAY BE USED IN LIEU OF PROVIDING WIRE FABRIC REINFORCEMENT.

REVISIONS	CONCRETE SIDEWALK	PROJECT NO.
	STANDARD SPECIFICATIONS	ORW01-08
	ORWIGSBURG BOROUGH	DETAIL
	SCHUYLKILL COUNTY, PENNSYLVANIA	4
	HANDOVER ENGINEERING ASSOCIATES, INC.	20C SNYDER LANE EPHRATA, PA 17522-9101 (717) 721-7444

*NOTE: REFER TO LATEST ADA REGULATIONS



CONCRETE WALK WITH
ACCESS RAMP AT RADII



NOTES:

1. CROSS SLOPE OF LANDING AREA DOES NOT EXCEED 2% IN ANY DIRECTION.
2. HEIGHT DIFFERENCE BETWEEN RAMP BOTTOM AND STREET SHALL NOT VARY BY MORE THAN 1/4\".

REVISIONS

CURB CUT RAMPS

STANDARD SPECIFICATIONS
ORWIGSBURG BOROUGH
SCHUYLKILL COUNTY, PENNSYLVANIA

HANDOVER ENGINEERING
ASSOCIATES, INC.

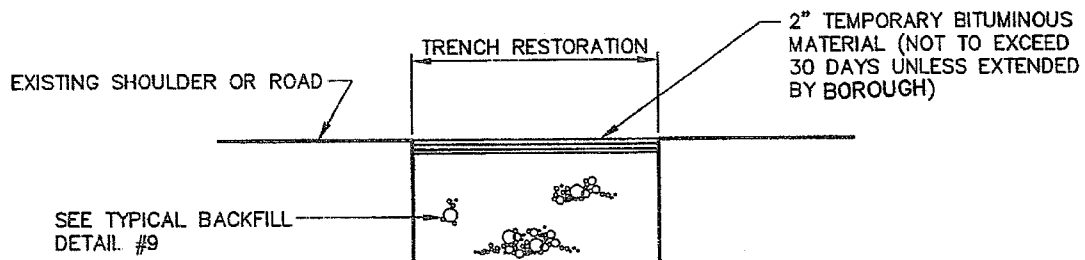
20C SNYDER LANE
EPHRATA, PA 17522-9101
(717) 721-7444

PROJECT NO.

ORW01-08

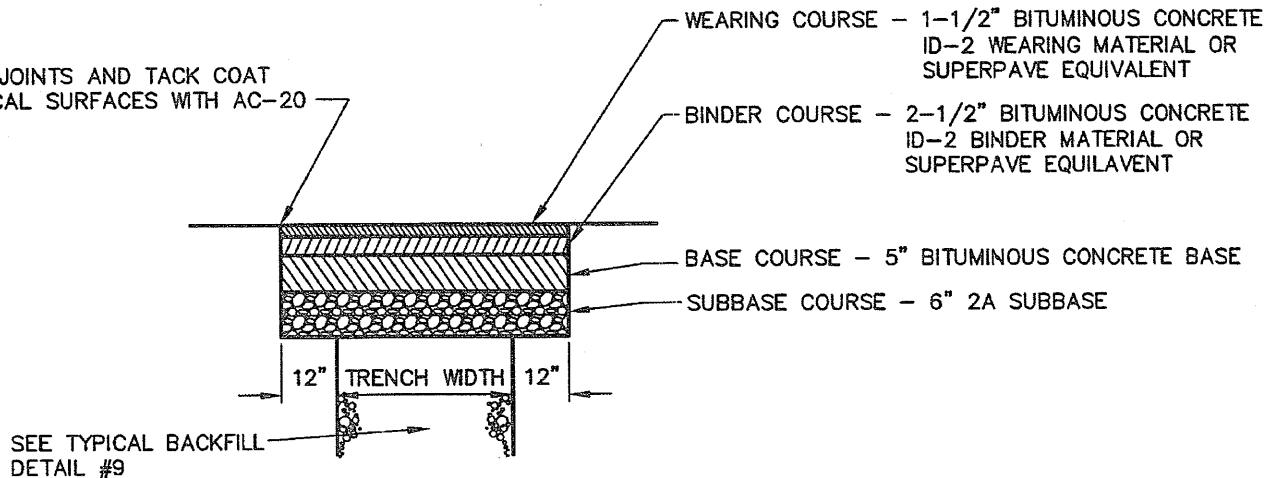
DETAIL

5



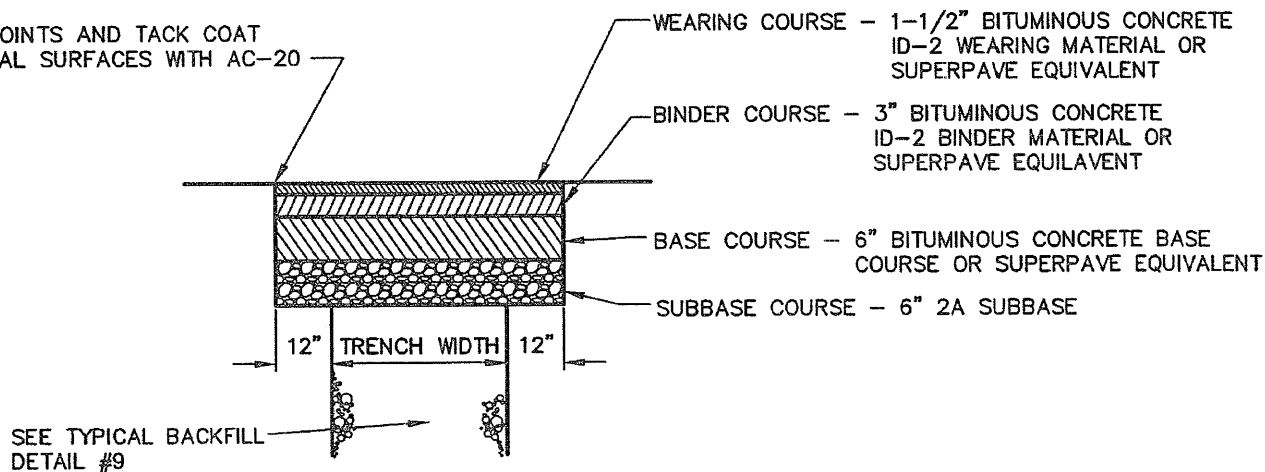
REVISIONS	TEMPORARY RESTORATION FOR ROADWAYS AND SHOULDERS	PROJECT NO.
	STANDARD SPECIFICATIONS	ORW01-08
	ORWIGSBURG BOROUGH	DETAIL
	SCHUYLKILL COUNTY, PENNSYLVANIA	6
	HANDOVER ENGINEERING ASSOCIATES, INC.	
	200 SNYDER LANE EPHRATA, PA 17522-9101 (717) 721-7444	

SEAL ALL JOINTS AND TACK COAT
ALL VERTICAL SURFACES WITH AC-20



LOCAL ROAD & SHOULDER RESTORATION

SEAL ALL JOINTS AND TACK COAT
ALL VERTICAL SURFACES WITH AC-20



COLLECTOR & ARTERIAL ROAD & SHOULDER RESTORATION

NOTES

- ALL VERTICAL CUTS SHALL BE SAW CUT ONLY
- MATERIAL AND PLACEMENT FOR COURSE AND FINE AGGREGATES SHALL BE IN ACCORDANCE WITH PA D.O.T. SPECIFICATIONS PUBLICATION 408 AND ITS AMENDMENTS.

REVISIONS

TRENCH RESTORATION FOR ROADWAYS AND SHOULDERS

PROJECT NO.

ORW01-08

STANDARD SPECIFICATIONS
ORWIGSBURG BOROUGH

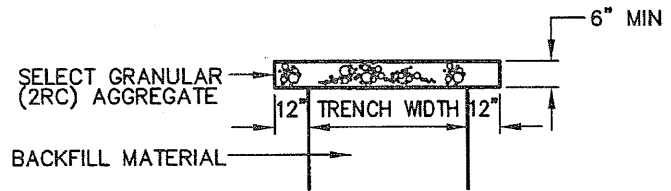
SCHUYLKILL COUNTY, PENNSYLVANIA

DETAIL

7

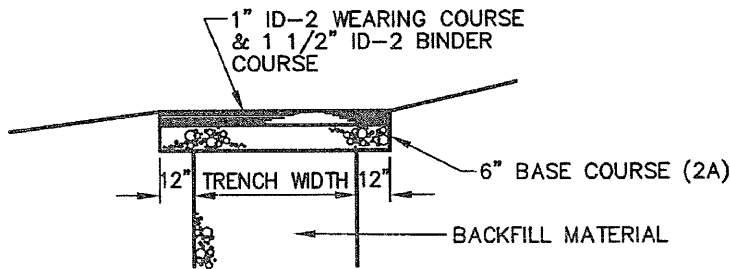
HANDOVER ENGINEERING
ASSOCIATES, INC.

20C SNYDER LANE
EPHRATA, PA 17522-9101
(717) 721-7444



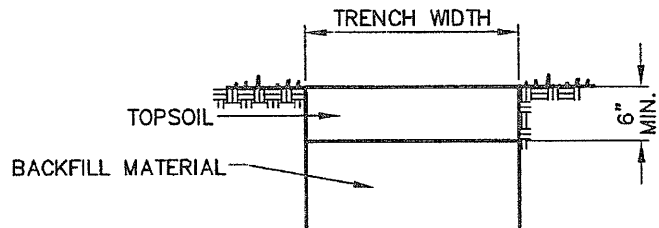
NOTE: MATCH EXISTING WIDTH OF DRIVEWAY

STONE DRIVE RESTORATION



NOTE: MATCH EXISTING WIDTH OF DRIVEWAY

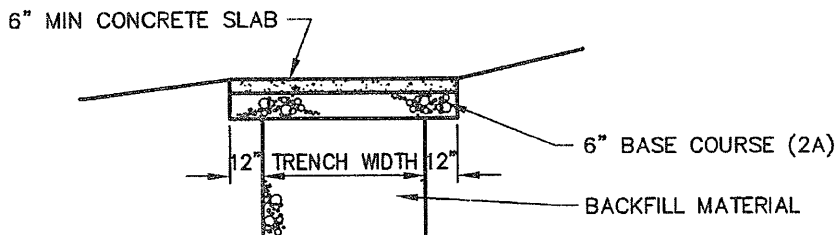
PAVED DRIVEWAY RESTORATION



NOTE:
LAWN AREAS SHALL BE RESEED
WITH THE FOLLOWING MIXTURE
(PERCENTAGES BY WEIGHT):

50% KENTUCKY BLUEGRASS
30% CREEPING RED FESCUE
20% ANNUAL RYEGRASS

LAWN RESTORATION

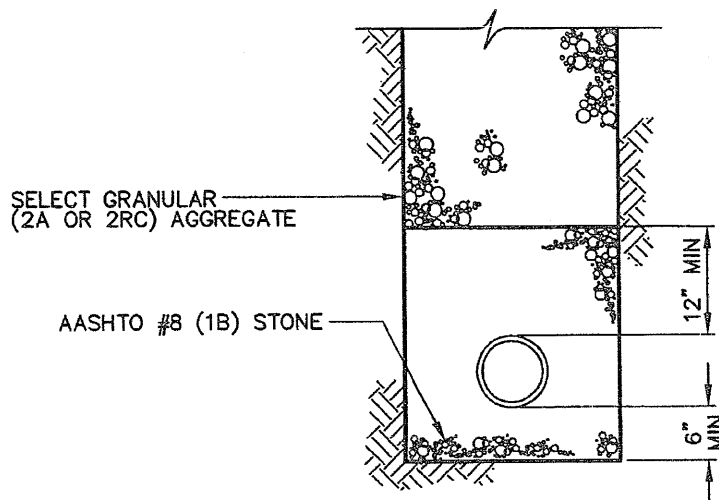


NOTES:

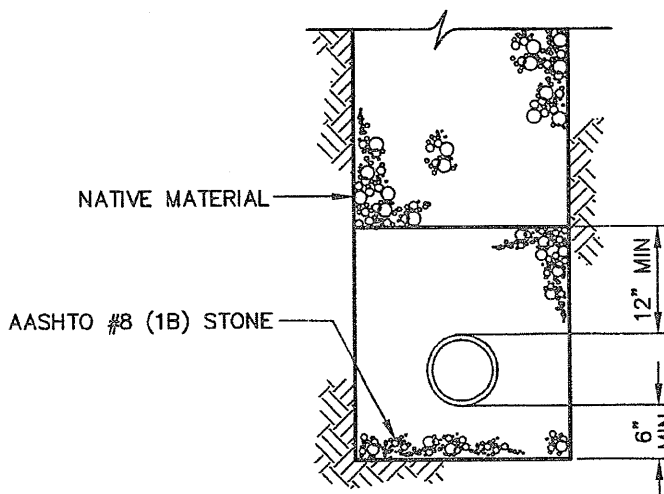
1. MATCH EXISTING WIDTH OF DRIVEWAY.
2. IF THE SLAB IS CUT, THE ENTIRE SLAB (SECTION) MUST BE REPLACED.

CONCRETE DRIVEWAY RESTORATION

REVISIONS	TRENCH RESTORATION FOR AREAS OTHER THAN ROADWAYS	PROJECT NO. ORW01-08
	STANDARD SPECIFICATIONS ORWIGSBURG BOROUGH SCHUYLKILL COUNTY, PENNSYLVANIA	DETAIL 8
	HANDOVER ENGINEERING ASSOCIATES, INC.	20C SNYDER LANE EPHRATA, PA 17522-9101 (717) 721-7444



ROADWAYS AND SHOULDERS



OTHER THAN ROADWAYS AND SHOULDERS

NOTES:

1. FOR FINAL RESTORATION, SEE APPROPRIATE DETAIL.
2. BACKFILL MATERIAL TO BE PLACED IN 12" (MAXIMUM) LIFTS. THOROUGHLY COMPACT EACH LIFT WITH MECHANICAL TAMPERS OR BY OTHER ACCEPTABLE METHODS FOR THE FULL TRENCH WIDTH. COMPACT TO NOT LESS THAN 100% OF THE DETERMINED DRY WEIGHT DENSITY OF THE BACKFILL MATERIAL.

REVISIONS

TYPICAL BACKFILL

STANDARD SPECIFICATIONS
ORWIGSBURG BOROUGH
SCHUYLKILL COUNTY, PENNSYLVANIA

HANDOVER ENGINEERING
ASSOCIATES, INC.

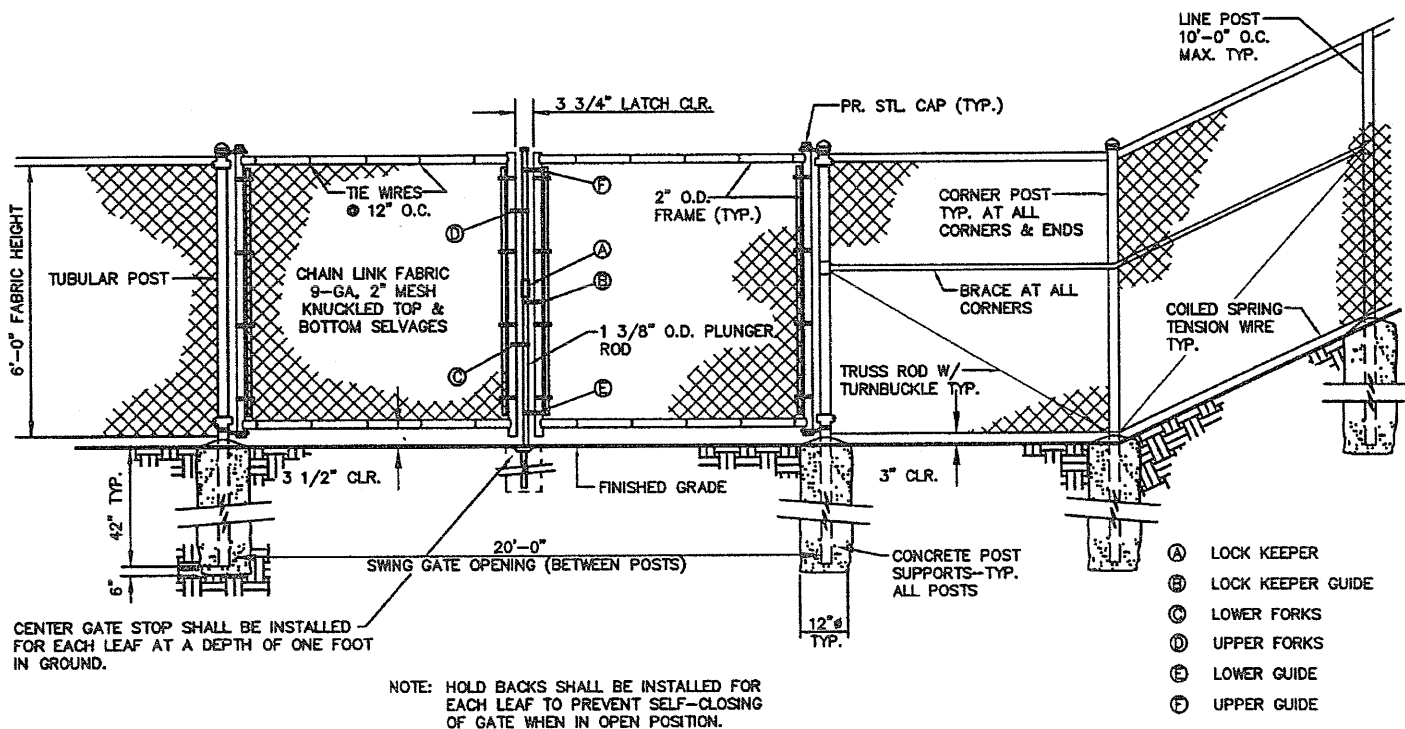
20C SNYDER LANE
EPHRATA, PA 17522-9101
(717) 721-7444

PROJECT NO.

ORW01-08

DETAIL

9



REVISIONS

CHAIN LINK SWING GATE & FENCE

PROJECT NO.

ORW01-08

STANDARD SPECIFICATIONS ORWIGSBURG BOROUGH

DETAIL

SCHUYLKILL COUNTY, PENNSYLVANIA

HANOVER ENGINEERING
ASSOCIATES, INC.

20C SNYDER LANE
EPHRATA, PA 17522-9101
(717) 721-7444

10